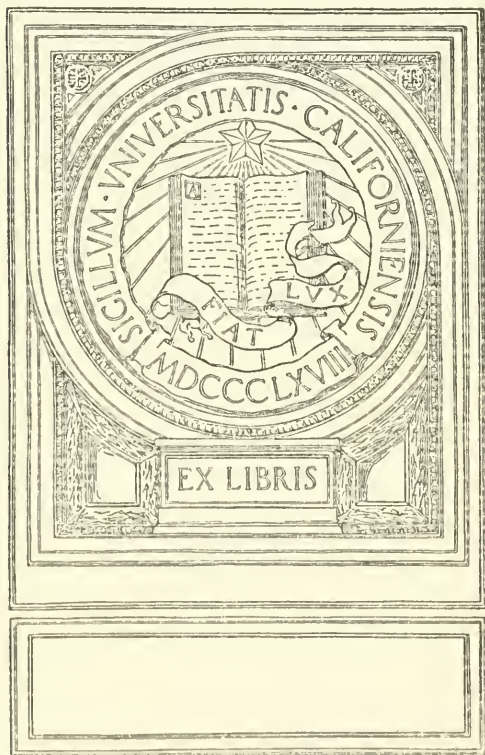




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AMERICAN
POLICE ADMINISTRATION

BUREAU OF MUNICIPAL RESEARCH
AND
TRAINING SCHOOL FOR PUBLIC SERVICE
NEW YORK CITY

Special Studies in Administration

County Administration

BY CHESTER C. MAXEY

Evolution of the Budget in Massachusetts

BY LUTHER H. GULICK

Handbooks on Public Administration

American Police Administration

BY ELMER D. GRAPER

THE MACMILLAN COMPANY
Publishers 64-66 Fifth Avenue New York

AMERICAN POLICE ADMINISTRATION

A Handbook on Police Organization
and Methods of Administration
in American Cities

BY
ELMER D. GRAPER

New York
THE MACMILLAN COMPANY
1921

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FOREWORD

A handbook on American police administration should not be confused with a manual on police practice and procedure. Administration relates to the organization, supervision and control of processes of police work; police practice and procedure relate to the actual doing of daily routine work. This study has been pursued with a full understanding of the proper limitations of a treatise on the principles of administration.

One of the chief sources of this work has been the material gathered and developed by the New York Bureau of Municipal Research during the course of some thirteen years devoted to the study of the problems of police administration and to the making of administrative surveys in many of the large cities of the United States. Mr. Graper has refined this wealth of raw material and that found in police reports, state laws and city charters, and through comparisons and selection has been able to set forth the best practices prevailing in police administration.

This handbook will be useful to the superior police officer who is charged with the task of management and to those members of the rank and file who would aspire to fit themselves for higher administrative posts. It is not a

book that will serve to instruct a police recruit in his duties as a patrolman.

Throughout the work full recognition has been given the fact that police administration is largely a problem in personnel management. An effort has been made, therefore, to avoid dogmatic conclusions in discussing forms of organization and methods of work, which vary in effectiveness according to the spirit, intelligence and ability of the police force. In police administration the human factors are always of more importance than forms of organization and systems of procedure.

But there are certain forms of organization and systematic methods of directing the operations of police personnel that have been observed to be best adapted to the most successful utilization of the personnel under varying conditions in many police departments. These forms and methods have been set forth with a view to aiding the student of administration and the police official who would know the approved standards which experience has shown to be best suited to the needs of an ordinary police organization.

LEONARD V. HARRISON.

Bureau of Municipal Research,
New York City,
January 27, 1921.

PREFATORY NOTE

In the preparation of this volume the author has received much valuable aid from several members of the staff of the New York Bureau of Municipal Research. The reports of the surveys of police departments made by the Bureau were for the most part written by Mr. Clement J. Driscoll. To him the writer is therefore greatly indebted. The material embodied in these reports has been freely used. Mr. Leonard V. Harrison has been a most helpful critic. He not only read all of the manuscript but also took time to discuss with the author practically all phases of the police problem.

Much valuable criticism has been received from Professors Howard Lee McBain and Thomas Reed Powell of Columbia University.

E. D. G.

New York City,
February 22, 1921.

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AMERICAN POLICE ADMINISTRATION

CHAPTER I

INTRODUCTION

THE well-groomed uniformed policeman so conspicuous in our cities of to-day is the product of less than seventy-five years of urban development. While cities were small the only police protection they enjoyed was at the hands of a night watchman who in case of disturbances notified the constable. With the growth of cities came additional watchmen and constables, often elected by the people in the various wards of the city. Able-bodied householders were required to take turns as watchmen or pay a fee for the hiring of substitutes. These substitutes, however, often spent most of their time tippling and disturbing the peace. They were undisciplined and generally of such low character that criminals plied their trade openly and honest citizens often dared not venture on the streets after nightfall. Though the number of crimes for which capital punishment was prescribed was almost unbelievably large and executions alarmingly frequent, the number of criminals was rapidly increasing. The old system of watch and ward, endurable while cities were small and of medium size, broke down absolutely when they became large. Some sort of change

in police management was plainly imperative. The solution was found in the establishment of the semi-military form of organization modeled after the London police system. This reform was rapidly introduced in American cities during the middle decades of the last century, often in the face of the most persistent opposition. To-day every city of any appreciable size maintains a police force organized on a semi-military basis.

The Establishment of the Modern Police System in England.

During the first quarter of the last century the English parliament made a number of inquiries into the police problem, but it was not until 1828 that a solution was found. In that year Sir Robert Peel, then Secretary of State for Home Affairs, secured the passage of a statute which abolished the old system of watch and ward, and substituted in its place a professional police force, uniformed, under strict discipline and placed under the direct control of a commissioner responsible to the national government. This force was placed in charge of a new metropolitan police district comprising the area surrounding the old "city" of London. This was the first modern police organization. It was neither civilian nor military, but semi-military.

The new police organization soon showed its superiority over the old system it had displaced. Though it at first met with the fiercest popular condemnation, its efficiency in the

suppression of crime so rapidly allayed opposition that when the great Municipal Corporations Act of 1835 was passed, other cities and boroughs were required to establish similar police organizations, but under local instead of national supervision. Twenty years later this requirement was extended so as to include counties also.

In the United States.

The history of police administration in American cities follows closely that of English cities. Prior to 1844 in the City of New York, having then over 300,000 population, the police force consisted of two constables elected annually in each ward, a small body of men called marshals

appointed by the mayor of the city, and the night watch composed of citizens engaged in various trades during the day who patrolled the streets at night. In 1844 the legislature abolished the night watch and provided for the organization of a day and night police. This was put into effect the following year.

The new law provided that in place of the watch department, marshals, street inspectors, health wardens, fire wardens, dock masters, lamp lighters, bell-ringers, inspectors of pawnbrokers and junk-shops, and officers to attend the polls (all subdivisions of the police force), there was to be established a day and night police. The force was not to exceed eight hundred men, including captains, assistant captains and policemen. Each ward was made a patrol district in each of which there was established a district head-

quarters. In addition to their other duties, the law required policemen to light the lamps and ring the alarm bells. The duties of the force were most explicitly defined. They differed in no important particular from those performed by policemen to-day. They attended fires, preserved the peace, reported to their captains suspicious and disorderly houses, arrested and arraigned at court offenders against the law and in general protected life and property.¹ The chief of police, appointed by the mayor with the consent of the common council, was the chief executive officer of the force. The aldermen, assistant aldermen and assessors of each ward were authorized to appoint with the mayor's consent a captain, assistant captains, and the quota of policemen to which the ward was entitled. The term of office was one year.

This first regular police force of New York, because of undue political interference, did not prove very efficient. In 1857 the state legislature after an investigation of police conditions in the city copied the London plan of state control. A metropolitan district was created, including Brooklyn, New York, and some outlying territory and a centrally appointed police commission was put in charge. This system was abandoned in favor of local control in 1870.

Other cities in the United States speedily followed New

¹ Augustine E. Costello, *Our Police Protectors* (1885). For brief statements relative to the establishment of modern police organizations see Fuld, *Police Administration*, pp. 16-29; Munro, *Principles and Methods of Municipal Administration*, pp. 260 ff; Goodnow, *City Government in the United States*, pp. 215-222.

York in establishing regular professional police departments. A considerable number have at one time or another had their police departments under state control but this system has for the most part been abandoned in favor of the system of local control.²

The Importance of Police Departments in Municipal Administration.

The police department occupies an extremely important place in municipal administration. Upon the policeman we depend for protection. He is expected to preserve the public peace. His presence acts as a restraining influence upon the lawless elements who would endanger life and property. When crimes are committed the policeman must bring offenders into court. And more recently the idea that the highest function of the policeman is to remedy as far as possible the conditions that tend to produce criminals is being emphasized. No better statement of the variety and importance of the services policemen are called upon to perform can be found than the following section of the New York City charter :

It is hereby made the duty of the police department and force, at all times of day and night, and the members of such force are thereunto empowered, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and assemblages which obstruct the free passage of public streets, sidewalks, parks, and places, protect the rights of persons and

² See *infra*, pp. 37-40.

property, guard the public health, preserve order at elections and all public meetings and assemblages; regulate, direct, control, restrict and direct the movement of all teams, horses, carts, wagons, automobiles and all other vehicles in streets, bridges, squares, parks and public places, for the facilitation of traffic and the convenience of the public as well as the proper protection of human life, and to that end the police commissioner shall make such rules and regulations for the conduct of vehicular traffic in the use of the public streets, squares and avenues as he may deem necessary, the violation of which rules and regulations shall be a misdemeanor punishable by not less than two or more than thirty days' imprisonment or by a fine of not less than five or more than fifty dollars, or both; remove all nuisances in the public streets, parks and highways; arrest all street mendicants and beggars; provide proper police attendance at fires; assist, advise and protect emigrants, strangers and travelers in public streets, at steamboat and ship landings, and at railroad stations; carefully observe and inspect all places of public amusement, all places of business having excise or other licenses to carry on any business; all houses of ill-fame, or prostitution, and houses where common prostitutes resort or reside; all lottery offices, policy shops, and places where lottery tickets or lottery policies are sold or offered for sale; all gambling houses, cock-pits, rat-pits, and public common dance houses, and to repress and restrain all unlawful and disorderly conduct or practices therein; enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes and offenses.³

Naturally, it is of the highest public importance that the personnel of the department charged with the performance

³ Sec. 315.

of these and other functions be the most efficient and honest obtainable. The policeman is under obligations to enforce "all laws and ordinances." This includes federal as well as state laws and municipal ordinances that regulate our lives in great detail. Obviously he cannot enforce them unless he knows what they are and the methods he is to follow in their enforcement. Such knowledge, however, is not easily obtained. Years of experience and study are required to master it. Special training is absolutely essential. Further, unless there is on the part of the policeman the desire to perform his duties faithfully, no matter how thoroughly he may be informed relative to his duties, his value to the city as a policeman is reduced to the minimum. Care in the selection of policemen is, therefore, a matter of critical importance.

The Attitude of the Public.

Such efficient and honest policemen as are necessary if the police department is to fulfill its functions even reasonably well can be secured only if the financial rewards and the opportunities for advancement in the service compare favorably with those in other occupations which require a similar standard of ability and character. In the past, unfortunately, the public has failed to appreciate this fact. A change in attitude toward the financial aspect of the police problem thus becomes one of the first prerequisites to improved police service.

It must not be thought, however, that the payment of

adequate salaries constitutes the only aid the public can render its police protectors. An even greater service, because it so greatly strengthens the morale of the force, is the public appreciation of efficient work. The policeman has too frequently failed to secure public approbation for honest and efficient efforts. But his failures have blazed forth on the front page. Being extremely sensitive to public opinion, he has often shaped his conduct in accordance with public expectations — to the disadvantage of the service. It cannot be too strongly urged, therefore, that conscientious police work should be as enthusiastically commended as poor police work should be vigorously condemned. To quote a recent authoritative commentator :

The public should know what is going on. It has a right to know in detail what its guardians are doing in order that it may intelligently conclude as to whether they should be discharged, or slapped on the back with approval and have their pay raised. And the police on their part need the understanding of the public. They are thrown inevitably into close association with the seamy side of life; they are hired to control it. They need, therefore, to become acquainted with the great, wholesome public. They need the spirit which they will gather from it to carry them through the trying, tempting days when they are wrestling with the outlaw.⁴

The following pages of this handbook are devoted to a consideration of various phases of the police problem. The purpose is to make available: (1) information as to what American cities are doing in the way of solving the

⁴ Arthur Woods, *Policeman and Public*, p. 178.

police problem, and (2) the general conclusions relative to good police practice that may be drawn on the basis of this information. It is not claimed that these conclusions are final, but it is hoped that they may prove suggestive. It is extremely doubtful if police work will ever become standardized as is the work of some other departments of administration. Personnel counts for more than anything else. No matter how good the organization, unless an efficient and honest force of men is obtained it is useless to expect good results. To measure the effectiveness of a patrolman's or detective's work, however, is a most difficult, almost impossible task. This must be borne in mind when plans of organization and methods of work are considered.

CHAPTER II

THE ORGANIZATION OF CITY POLICE DEPARTMENTS

A Separate Department or a Bureau.

SHALL the police department be organized as an independent administrative department or as a subordinate division or bureau of a larger department of public safety? This is the first question that confronts the student of police organization or the legislator who must decide upon the charter provisions relative to this branch of municipal service. If one seeks an answer to this question by studying the practice of American cities it soon appears that neither plan of organization has been consistently followed. Police departments of American cities have been organized as independent departments or as bureaus of larger departments not upon the basis of a well-defined theory but as a result of local and often temporary conditions. Not even among cities of the same size is there uniformity. A large city may organize its police service as a bureau of the department of public safety while a smaller one may establish an independent police department. In either case good or bad results may follow. Moreover, the same form of organization may under one administration give good police service and under another the very opposite. The police experience of New York City since 1901 offers an illustration of this fact.

In Cleveland, a city of over 600,000 population, the police force constitutes a division of the department of public safety under the supervision of a director.¹ In Philadelphia, the third city in the United States, a similar type of organization prevails, the director of public safety having, according to the charter, the "care, management, administration and supervision of the police affairs, and all matters relating to the fire and police forces, fire-alarm telegraph, erection of fire escapes, and the inspection of buildings and boilers, markets and food sold therein."² Among the other cities which have followed this form of organization may be mentioned Pittsburgh, Columbus, Dayton, Indianapolis, Rochester, all the second-class cities of New York and hundreds of cities under commission government throughout the United States.

However, cities with the police department as an independent organization unit are numerous. Seven of the ten largest cities in the United States — New York, Chicago, St. Louis, Boston, Baltimore, Detroit, and Los Angeles — have organized their police services as separate departments. Among the other important cities following this plan are San Francisco, Richmond, Va., Bridgeport, and Atlanta.

The experience of American cities does not lead us to any definite conclusion relative to the merits of these two types of organization. Under each of them both good and bad police service have been obtained. It does seem, how-

¹ Charter 1913), Sec. 78.

² Laws of Penn. 1919, Act No. 274, Art. V., Sec. 3.

ever, that in very large cities, the work of supervising the police force involves problems so numerous and complex that all the time of even the most efficient and experienced administrator is required for its adequate performance.

The Organization of Administrative Supervision.

One of the most important problems in police organization is that of the proper relationship of the non-professional administrative authority to the other governing authorities of the city, on the one hand, and to the members of the uniformed professional police force on the other. Whatever form of organization prevails, this non-professional board or director acts as the medium between the public officers who determine policies, and the police force proper which carries them out. Obviously, determining policies and then failing to see that they are properly carried out means absolute failure in accomplishing the purposes for which police departments are instituted. Hence the necessity of adequate supervision over the police force by agents of the government who are held responsible for the work of the city. This is the duty imposed upon commissioners of police, boards of police, and commissioners and directors of public safety.

Types of Organization.

To perform these important functions three types of organization are found in American cities. They are the board, the single commissioner, and the professional super-

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intendent types. The board form of organization appeared early in the history of permanent professional police departments and in spite of a decided tendency toward the single commissioner type, during the last twenty-five years, it is still found in a considerable number of American cities. Upon the establishment of a modern police force for Baltimore in 1853 control was vested in the mayor. Seven years later, however, the legislature of Maryland saw fit to reorganize the department by placing in charge of the force a board of commissioners with the mayor as a member.³ The New York police department was under the mayor's control from 1844 to 1853 when the legislature ordered it placed under a board of commissioners consisting of the mayor, the recorder and the City Judge.⁴ In the decades following, the board form of organization spread rapidly and became the prevailing type in American cities.⁵ It is still found in such sizeable cities as: St. Louis, Los Angeles, San Francisco, Milwaukee, Kansas City, Mo., Indianapolis, Providence, Atlanta, New Haven, Bridgeport, Hartford, Springfield, Mass., Wilmington, Waterbury, Manchester, Peoria, and Evansville.

The following illustrations taken from city charters are typical of the practice of American cities in the organization of police boards and commissions.

The charter of Los Angeles provides that the police department shall be under the management and control of

³ F. Folsom, *Our Police* (Baltimore), p. 30.

⁴ A. E. Costello, *Our Police Protectors*, p. 127.

⁵ J. A. Fairlie, *Municipal Administration*, p. 137.

three commissioners known as the board of police commissioners of which the mayor is the *ex-officio* president. The members of the board hold office for four years. The board meets at least once a week and keeps a record of its proceedings.⁶

In New Haven the department of police service is under the management and control of a board consisting of the mayor and six commissioners whose terms of office are three years. Not more than three commissioners may belong to one political party.⁷

The cities of the first, second and third classes in Indiana, according to the Municipal Corporations Act of 1905, are required to have departments of public safety composed of boards of three commissioners appointed during good behavior. Not more than two may belong to the same political party.⁸

The laws of Maryland provide that the governor, by and with the advice of the Senate, shall appoint three persons, who shall be known as the board of police commissioners for the city of Baltimore. Two of the commissioners must always be adherents of the two leading political parties in the state, one of each of the parties.⁹ The commissioners hold office for two year terms.

In Atlanta the board of police commissioners consists of

⁶ Charter, Art. IX, Sec. 91.

⁷ Charter (1899), Revised to 1914, Secs. 46-52.

⁸ Sec. 158.

⁹ Charter, Baltimore, Revised Ed. 1915, Sec. 740. Chapter 559 of Laws of Md. (1920) amends Sec. 740 and provides for a single police commissioner selected by the governor.

one member from each of the wards of the city. The mayor and the chairman of the police committee of the general council are *ex-officiis* members of the board. The term of the commissioners is three years.¹⁰

The board of police commissioners in Bridgeport, Connecticut, is composed of four commissioners and the mayor, *ex-officio*. Three members exclusive of the mayor constitute a quorum and the concurrent vote of three members is necessary to pass a measure. The mayor may vote only in the case of a tie. The members of the board hold office for two years.¹¹

In San Francisco the police department is under the management of a board of police commissioners consisting of four members not more than two of whom may be adherents of the same political party. The commissioners serve for periods of four years, the term of one commissioner expiring each year. The commissioners organize by the election of one of their number as president and meet at least once a week.¹²

In the cities of St. Louis and Kansas City the police departments are under the control of boards appointed by the Governor and Senate of Missouri. In the former the board consists of four commissioners and the mayor of the city; in the latter, of two commissioners and the mayor.¹³

Although all the cities mentioned above have the board

¹⁰ Charter and Ordinances (1910), Ch. XXI.

¹¹ Peter White, *The City of Bridgeport*, p. 107.

¹² Charter (1900), Art. VIII.

¹³ Revised Statutes of Mo. (1909), Secs. 9766, 9803.

form of organization for the supervision of their police departments, there is wide variation in the position of the boards and in the amount of work expected from them. In some cities¹⁴ the members of boards are paid such salaries that it is reasonable to expect them to devote the major portion of their time to the work of their department; in others,¹⁵ the salaries are much smaller but are still of such amounts that it is evident that a considerable portion of the members' time is expected; in still others¹⁶ no salaries or merely small honorariums are given. In a general way, the compensation provided serves to indicate the amount of actual supervision that members of the boards are expected to perform.¹⁷

During the last twenty-five years, however, there has been a noticeable tendency to take from boards and commissions and to give to single directors or commissioners the control of municipal departments, especially those that demand for their successful management and supervision technical information and prompt and vigorous action. Among the more important cities that now have the single commissioner form of police supervision may be mentioned New York, Boston, Philadelphia, Cleveland, Detroit, Pittsburgh, Columbus, Rochester and the second-class cities of New York, as well as the hundreds of cities all over the country that

¹⁴ Providence, \$3,000; Baltimore, \$2,500; Kansas City, \$2,500.

¹⁵ St. Louis, \$1,000; San Francisco, \$1,200; Indianapolis, \$1,200 (Board of Public Safety).

¹⁶ Los Angeles; Milwaukee; Atlanta; Springfield, Mass.; Hartford; New Haven.

¹⁷ U. S. Census Bureau, *General Statistics of Cities* (1915), p. 29.

have adopted the commission and city manager forms of government.

Of the third form of organization mentioned, the professional superintendent type, the City of Chicago furnishes the most notable illustration. In that city there is neither a board nor a single commissioner to act as lay administrative head of the police department. Instead, the General Superintendent of Police, appointed by the Mayor and City Council, is vested with the functions usually performed by a police board or a police commissioner as well as those usually performed by the technical head of the uniformed force—the chief or superintendent of police. In other words, there exists a fusion of the functions of two officers. The superintendent of police is usually chosen from the members of the police force.¹⁸ This type of organization runs contrary to the generally accepted theory that civilian or lay supervision of the professional police force is desirable. It has not been widely adopted in the largest cities. However, in many small cities where there is only a committee of the council to supervise police affairs, the chief of police often actually exercises also those functions which are generally within the jurisdiction of a board or commissioner.

In view of these facts it is evident that the foremost cities are not in agreement on the question whether the board or the single commissioner form of police organization is the

¹⁸ Chicago City Manual (1915), p. 69. See *N. Y. Times*, Jan. 9, 1921, Sec. 8, p. 1.

more desirable. Though the single headed form has been spreading, especially in the larger cities, the board form still retains its position in others nearly as important. Let us consider briefly the grounds upon which the board and the single commissioner are respectively advocated.

The Board System vs. the Single Head of the Department.

The administrative board has had and still retains many vigorous adherents. It is said to offer several decisive advantages over the single commissioner. Those most frequently stressed are: that it secures more consideration and deliberation; that it promotes non-partisanship in administration; that it furnishes what it is impossible to obtain under the single commissioner type of organization, continuity in the administrative policy of a department. A less frequently mentioned claim is that it makes possible the representation of well-defined population or territorial interests.

The first of the advantages claimed, viz., that the board plan secures more deliberation than does the commissioner plan, is based upon the commonly accepted American theory that when semi-legislative or semi-judicial functions are involved the collective action of a group, taken after joint deliberation, offers greater guarantees of wise decision than does the action of a single official.


Do administrative officials of police departments exercise an extensive ordinance power, that is, the power to prescribe rules which regulate the conduct of the general public? The facts hardly warrant an affirmative answer. The

so-called ordinances are generally rules and regulations applicable to the officers and employees within the department whom they are designed to guide in the performance of duty. That is to say, they are rules and regulations issued for the internal government of the department and are not general rules regulating the conduct of the public. They affect the public, it is true, but only indirectly or incidentally, and can therefore hardly be classed as legislation.

If the quasi-judicial functions of police administrators are considered, an analogous condition is found. True, the lay head of a police department is frequently authorized to grant permits and licenses of various kinds. In such cases hearings may be held, evidence taken and a final decision or award rendered. However, the judicial functions exercised are usually such as are involved in the disciplinary measures taken relative to the personnel of the police force, and do not involve private interests. Charges are made against a patrolman, he is given a trial, and after the evidence for and against him has been presented, the board or commissioner reprimands, fines, suspends or removes him. Charters now frequently require such a hearing before a policeman may be disciplined by the head of the department, but it is doubtful whether this administrative trial involves any strictly judicial functions. Such requirements lay down rules regulating the particular manner in which executive functions are to be performed. It is difficult to see why a single officer cannot perform these duties as well as can a group.

○ To meet the argument that the board furnishes greater opportunities for deliberation those who advocate vesting authority in a single official reply that in the police department, even more than in others, the requisites most essential to efficiency are centralization of responsibility, and prompt and vigorous action. These requisites, they maintain, inhere much more generally in an individual than in a group.

That delay, compromise and the shifting of responsibility have been among the worst features of our municipal police administration can not be doubted. Moreover, that the board form of organization has often been at least one of the causes of such unsatisfactory conditions is clear. Any person who has watched the work of boards knows how difficult it is to secure definite action. Board meetings are held at considerable intervals and for one reason or another matters are laid over; and when action is finally taken it is often doubtful whether there was much real "deliberation." And what is equally undesirable from the view of efficiency is that it is impossible to know just who is responsible, first, for delay, and then for the action taken. Joint responsibility often rests lightly upon the members of a board; it is, moreover, a cloak that shields them from public condemnation and personal responsibility. The same shifting of responsibility is of course often found between the administrative board and the technical head of the force, each blaming the other for everything that goes wrong. On the other hand, when there is a single administrative head of the force every

one knows that he is personally responsible for the work of the department. Responsibility cannot be shifted to the shoulders of some one else. This in itself would seem to constitute a decided advantage in favor of the single commissioner type of organization. 

Finally, it should be stated that as a matter of fact a single official devoting all his time to the police department can give more real consideration to the urgent problems that arise from day to day than can boards of commissioners, particularly of the partly-salaried or non-salaried types, which generally have only weekly or fortnightly meetings.

The second claim in behalf of the board type of organization is that it lends itself less readily than does the single officer type to the evils of partisanship in police administration. If this be true, it is certainly an advantage not to be lightly dismissed, for there has obviously been no more baneful influence in our police departments than their prostitution to partisan advantage. The control of the police force by political bosses has been their most fruitful source of corrupt private gain. The community's agency for enforcing the law has been made the political bosses' agency for selling the privilege of breaking the law. The history of our police departments shows an alarmingly large number of such cases.

But does the board form tend to lessen this evil? Does it provide for non-partisanship in police administration? Those who have argued these questions affirmatively have confused non-partisanship and bi-partisanship. They have

presumed that when boards are made up of representatives of more than one party the members will check one another when attempts are made to administer the department in the interests of party. That this theory is widely held appears clearly from a reading of the charters of our cities. Where the board form of organization prevails it is in the majority of cases accompanied by the bi-partisan provision.¹⁹ There are two main reasons why a bi-partisan board fails to eliminate partisanship. First, the bi-partisan principle insures the appointment of strong party men to office and thus emphasizes the idea of party control; and secondly, strong party men in office readily reach an understanding as to the proper division of party advantage and thus simply apportion or divide the spoils instead of eliminating them.

It readily appears why the bi-partisan board will be composed of strong party men. Party allegiance itself constitutes the first qualification for eligibility. Neither party will be satisfied with the appointment of a man lukewarm in party zeal. Its representative must be a thoroughgoing partisan so as to secure the proportionate share of the good things of office for the party. It is thus obvious that the man who shows independence in party politics, no matter how highly qualified he may be for office, will not be chosen — cannot be in the very nature of things. However, it is clear that the appointment of just such independent men constitutes the only guarantee that party politics will be effectually kept out of the police administration. It cannot

¹⁹ See *supra*, pp. 14-15.

be gainsaid that there have been instances of satisfactory police boards organized on the bi-partisan principle. But that their work has been satisfactory because of the form of organization would be very difficult to prove. In fact it has probably been in spite of, rather than because of, the bi-partisan arrangement.

In one respect, however, the board form of organization may act as a check upon political parties. Frequently, the members of boards of police have overlapping terms. For example the San Francisco board of police commissioners (a bi-partisan board) is composed of four members, one appointed each year for a four year term. Now it is clear that a political party coming into office cannot make a clean sweep and at once place the police department at its disposal. It must at any rate wait a few years before it can appoint a majority of the members of the board. But there is another side to the case. The provision that prevents a party boss from gaining immediate control through the appointment of party henchmen or personal followers operates necessarily to prevent a reform administration from eliminating at once the partisan appointees of a previous administration and from placing desirable and efficient men in office. The principle of partial renewal operates on the whole in such a way as to make the shifting of responsibility comparatively easy. Obviously, a mayor who has not appointed a majority of the members of a police board cannot in justice be held responsible for the work of the department.

The third reason advanced in favor of the board type of

organization is that only through it can be obtained the continuity in policy so necessary for an efficient administration. True, when boards of police are appointed on the partial renewal basis a certain kind of continuity of policy is obtained. That is, there are always some members on the board who have had experience in the work of the department. However, the only valid reason for desiring continuity of service is to obtain for the supervision of the department men who, while not necessarily capable of deciding the technical details of police business (that being a matter for the technical head of the police force) are yet sufficiently informed relative to police affairs to give intelligent general supervision to the work of the department. The question is does the board system provide men who have the desire and the ability to give that kind of service.

There are cases where boards of police even of the non-salaried type practically displace the chief of police. However, in the majority of cases the supervision of such boards tends to become purely formal, often farcically so. The members are men actively engaged in business, professional or political activities and consequently devote only a limited amount of time to the police department. Meetings are held once a week or fortnightly and are devoted largely to routine business matters and the hearing of charges against members of the force. Little time is left for the intelligent supervision of the activities of the department — the most important duty assigned to them. However, in the case of the full-salaried professional board there is certainly time

enough available for close supervision of departmental activities. But the difficulty of locating responsibility for delays and for action taken remains, and may neutralize this advantage. Moreover, it is difficult to see why three or more men are needed to supervise even the largest department. To have them assume the functions of actually directing the force is to reduce the technical head to a mere clerk. This is highly undesirable; for even the full-salaried, continuous board is lacking in the technical qualifications needed for this work.

The arguments advanced in behalf of the board form of organization for administrative heads of police departments are far from being conclusive. Those for the single commissioner type of organization are stronger. The supervisor of a police department must make decisions and carry them out promptly. His work is almost wholly of an administrative character.²⁰ The single commissioner or direc-

²⁰ The police board or commissioner of police should be in a position to supervise the force on the basis of the following knowledge: whether crime is increasing or decreasing, the number of complaints received, the subjects complained of and how these compare with those of previous periods; whether the number of arrests during the current period exceeds that of previous periods; whether the members of the detective bureau are intelligently investigating cases assigned them; whether the amount of property reported stolen is greater than during previous periods and the same information as to property recovered; whether complaints affecting the various districts are increasing or decreasing; whether juvenile delinquency is on the increase or decrease; whether there are few or many disorderly houses, disorderly flats, or houses of prostitution in the city, and whether the number is increasing or decreasing; whether there are few or many gambling houses and whether the number is increasing or decreasing; whether the members of the force are efficient in the matter of reporting con-

tor who gives his whole time to the work can supervise a police department better than can a board of commissioners. The tendency of American cities toward the single commissioner type of organization is a recognition of this advantage. Centralization of authority in the hands of a single person — and that person held responsible for the way in which that authority is exercised — is the most promising principle to follow in police departments.

This conviction led the City of New York by its charter of 1901 ²¹ to follow the example of European continental cities in placing a single commissioner in charge of its police. Prompt and efficient action was looked for but the change was not unaccompanied by the fear that so much power placed in the hands of one man might open the way for corruption and private gain.²² This fear, however, was largely unfounded. The shortcomings that have been only too common in the administration of the police force of New York City have been caused not by the form of administrative organization adopted, but by the fact that the various commissioners have been in office for so short a time that they have found it impossible to build up a spirit of loyalty among the men of the force. Former Commissioner Arthur Woods maintains that one of the difficulties of the police problem is due to “the uncertain tenure of office of the police commissioner, who is a sort of bird of passage, often flying so fast

ditions observed in their respective districts.—New York Bureau of Municipal Research, *Survey of Indianapolis*, 147-148.

²¹ Charter, Sec. 270.

²² Fuld, *Police Administration*, p. 38.

that the force have not time to determine his species." ²³ But how can we secure the advantages of more permanent tenure for police commissioners without making them independent of elected officials responsible for the manner in which they perform their duties? The only way is to develop such a strong popular sentiment in favor of the retention of capable commissioners that removals will be made only as the result of proved inefficiency.

The Relation of Police Administrators to the City Government: Methods of Selection. *

The next problem to be considered after the form of the supervisory organization has been determined is the relation which the head of the police department should sustain to the other city officials. How do the police administrators secure their positions? On whom does their tenure depend? How are they controlled by the people of the city?

As might be expected, American cities do not answer these questions alike. In some, the police heads, like the heads of other city departments, are almost wholly under the mayor's control; in others, they are only nominally under that officer's direction. In a few important cities the management of the police department is vested in officers chosen by the state government. In these the whole question of the management of the police force is removed from the jurisdiction of the city government. In the large number of cities under commission government the police heads are, of course,

²³ Proc. Acad. Pol. Sci. V, p. 60.

popularly elected. In a few cities police commissions are still chosen by the city council. The practice of American cities illustrates, therefore, the following methods of controlling the administrative heads of police departments:

1. Appointment and control by the mayor or the manager.
2. Appointment and control by the mayor and council.
3. Appointment and control by state authority.
4. Election by popular vote.
5. Election by city council.

Appointment and Control by the Mayor or the Manager.

The first plan is in harmony with the tendency in city government to centralize in the mayor's hands control over the various administrative departments of the city. This type of organization has been called the mayor form of government.²⁴ A somewhat similar tendency is showing itself in the movement for the city manager form of government in which the chief administrative departments are placed under the control of a manager chosen by and responsible to a commission or council elected by the people.

In the City of New York the police department is by charter provision placed under the control of a police commissioner who is appointed by the mayor for a term of five years. He may, however, be removed from office by the mayor or by the governor of the state. The commissioner is given a salary of \$7,500 and the authority to appoint and remove at pleasure five deputy commissioners to whom he

²⁴ Goodnow, *City Government in the U. S.*, p. 66.

assigns such duties as he may see fit. The commissioner has the cognizance and control of the government, administration, disposition and discipline of the police department.²⁵ It is clear that the mayor has practical control over the police by virtue of his power over the administrative head of the force. Under this system of organization the head of the department must of necessity be loyal to the mayor who in the last analysis is held responsible for the government of the city. The success of the police department during the Mitchel administration was due largely to the spirit of hearty coöperation that existed between the mayor and his commissioner of police.²⁶ Whether such coöperation between the mayor and his police commissioner will result in good or bad police service will depend of course on the character of the mayor.

In Rochester the police administration is subject to the mayor's control. There the department of public safety contains the bureaus of fire, police, health and buildings. At its head is the commissioner who is appointed and removed at will by the mayor. The commissioner is in complete control of the administration of these four bureaus each of which is under the supervision of a bureau chief responsible to the commissioner.²⁷

In Indianapolis and the other larger cities of Indiana the police service constitutes a division of the department of public safety. The board system of organization is pre-

²⁵ Charter, Secs. 270-1.

²⁶ New York Police Report, 1914-1917, p. 1.

²⁷ Charter, Ch. 755 L. N. Y. 1907, Sec. 316-7.

scribed by law, the three commissioners being appointed by the mayor. But the law provides that not more than two members may be of the same political party. This limits to some extent, but not materially, the mayor's control of the department. Further, although the charter provides that all commissioners of safety shall serve during good behavior, it is customary for the officials to regard their term of office as coincident with the term of the mayor who makes the appointment. Consequently the personnel of the board changes with each incoming administration. Under this arrangement the mayor for all practical purposes may be said to have in his control the management of the police force.²⁸

The charter of Cleveland gives the mayor control over practically the whole city administration. One of the five major departments into which the city's administrative work is organized is known as the department of public safety. This department contains as one of its divisions the police service of the city. Over the entire department is placed a director responsible to the mayor, with complete power over the police department of the city.²⁹

When Detroit adopted its recent home rule charter ³⁰ it accepted the principle that the city administration should be made responsible to the mayor. The new charter prescribes as one of the mayor's functions that he see that all officers of

²⁸ Mun. Cor. Act 1905, Sec. 158; also New York Bureau of Municipal Research, *Survey of Indianapolis*, p. 146.

²⁹ Charter (1913), Sec. 80.

³⁰ Adopted 1918.

the city faithfully comply with and discharge their official duties and follows the only plan that can make it possible for him to do so, that of giving him power to appoint and remove his subordinate administrative officers. At the head of the police force is the commissioner who, in the words of the charter, "shall be appointed by the mayor and who shall have charge of the police department." The mayor may remove the police commissioner at any time without stating the cause. The commissioner exercises supervision over the police department and may create whatever offices and positions he thinks necessary to secure the proper organization and administration, subject to the appropriations for his department.

The government of Dayton, Ohio, may be considered as typical of the city manager form of municipal organization. The charter provides for the division of the administrative functions of government into five departments all under the control and jurisdiction of the manager who discharges his functions through the several directors of the departments. These directors serve until removed by the city manager or until their successors have been appointed.³¹

One of the five departments is that of public safety. It is composed of the divisions of police, fire, and weights and measures. For some time after the institution of this new government the city manager attempted to act also as director of public safety and thus to give his personal attention to that branch of the city service. This, however, proved

³¹ Charter (1913), Sec. 69.

unsatisfactory because the manager could not give to the department the required supervision in view of the fact that his time was completely taken up by his executive duties as head of the city government. Hence a director of safety was appointed.

The Massachusetts law allowing cities to adopt the manager plan of government provides for a similar control over police.³² The New York law does likewise.³³ Other recent illustrations of this kind of organization over police service may be seen in the charter of Grand Rapids, Michigan,³⁴ and in the 1918 charter of Norfolk, Virginia.³⁵ The Chicago Bureau of Public Efficiency has urged the adoption of this form of organization for Chicago.³⁶ As yet none of our very large cities has adopted the city manager plan, though there is strong advocacy in its favor. In cities where the mayor or the manager has complete power over the police administration the best results are possible, for responsibility is definitely located.

In the cities just mentioned the executive head of the government has complete control over the police. He appoints and removes at will those who manage police affairs; responsibility is centered. In some cities, however, where

³² Ch. 267, Laws 1915. Applicable to all cities on popular vote, except Boston.

³³ Law of Apr. 18, 1914, applicable to second and third class cities when adopted at general or special election called on petition of 10 per cent. of voters.

³⁴ Charter (1916), Sec. 87.

³⁵ Charter (1918), Secs. 59-60.

³⁶ See *Unification of Local Governments in Chicago* (Jan. 1917), a Report prepared by the Chicago Bureau of Public Efficiency.

the board form of organization prevails, the mayor's influence is materially weakened by the overlapping terms of the members of the board. Since in these cities he may ordinarily not remove police heads except for cause and after a public hearing, it may be several years before he secures control of the police department through the appointment of a majority of the members of the board. It is common to find the tenure of the heads of the police department longer than that of the mayor himself. Under such circumstances the latter cannot be held accountable for the administration. His organic relation to the force is such as to deprive him of effective control.

Another common limitation upon the mayor's control over police departments under board organization lies in the fact that charters frequently require boards to be bipartisan.³⁷ San Francisco furnishes an illustration. It will be remembered that the board of police commissioners of that city is composed of four members. Not more than two may belong to the same political party. The commissioners hold office for four years, and the terms are so arranged that the office of one commissioner expires each year. But the term of the mayor is only two years. It follows that an incoming mayor though nominally responsible for the work of the police force must exercise his influence through a board over the majority of which he has no real control, a board that may be politically hostile to him. Manifestly in such a case the mayor's power is

³⁷ See *supra*, pp. 14-15.

limited. That, however, is precisely what such a form of organization purposes to accomplish. Its underlying theory is that it removes the police force from the control of partisanship, that it promises continuity of policy in police administration and in general safeguards the public from the control of corrupt rings of politicians. That it more often impedes the work of a good administration is not, however, open to serious doubt. It is an excellent example of the old check and balance system.³⁸

Appointment and Control by the Mayor and Council.

In the municipalities mentioned thus far the city executive alone is vested with the power of appointing the commissioners and boards which control the police service and from this it may be argued, though not always conclusively, that he is responsible for the management of the department. There are, however, large numbers of cities in which responsibility for appointment is clearly divided between the executive and the legislative body. In such cities the mayor makes appointments by and with the advice and consent of the city council. This form of organization is found especially in the smaller and medium sized cities but prevails even in Philadelphia and Chicago. It is simply a relic of the form of organization under which nearly all American cities operated during the last half of the nineteenth century and is obviously modeled after the system of appointing "superior" officers as outlined in our federal constitution. It

³⁸ Charter, San Francisco, Art. VIII.

has been called the "mayor and council hybrid" and is considered by most students not well adapted to the promotion of efficiency in government.³⁹ It makes for lack of harmony, the shifting of responsibility and the frequently resulting compromises that are normally followed by mediocre if not positively vicious municipal administration.

The cities of Illinois organized under the City, Villages and Towns Act have a very considerable control over their own governmental organization by virtue of the fact that that law allows the city council, by a two-thirds vote of the aldermen elected, to provide for the appointment by the mayor with the approval of the council of such officers as the council deems necessary or expedient.⁴⁰ It is under this authorization that the city of Chicago has developed a considerable part of its administrative organization, including that of police. This method of appointment is in harmony with the theories of municipal organization prevailing at the time the law was enacted,⁴¹ but it prevents the city of Chicago from making the mayor wholly responsible for the efficiency of the police department.

In Chicago the head of the department of police bears the title of general superintendent. He is appointed by the mayor with the consent of the city council. He has the management and administrative control over the department of police, its officers and members;⁴² he is normally

³⁹ See McBain, *Evolution of Types of City Government*, in *National Municipal Review*, Vol. VI: 24 (Jan. 1917).

⁴⁰ Revised Statutes Illinois 1912, Ch. 24, Sec. 73.

⁴¹ Passed in 1872.

⁴² Chicago City Manual (1915), p. 68.

selected from, and is the actual technical head of, the uniformed force. In other words, there is in Chicago nothing to correspond with the lay commissioner or board that is found in most other sizeable cities. A recent superintendent stated that the police committee of the council, which has within its jurisdiction also schools, the fire department and the civil service, exercises no considerable influence on the administration of the department. The mayor's control over the police is materially increased by his authority to remove the superintendent.

According to the charter of Philadelphia the department of public safety is one of the eleven major subdivisions of the city government. It is in charge of a director within whose control lie all matters pertaining to the fire and police forces, electrical service, erection of fire escapes, the inspection of buildings, elevators, engines and boilers.⁴³ The director of public safety is appointed by the mayor, by and with the advice and consent of the council. His term of office is coincident with that of the mayor of the city who appoints him.

Where the legislative body shares with the mayor the power of appointing executive police officers, there is frequently more or less interference on the part of the council with the actual administration of the department, for it is obvious that where the council must approve the nomina-

⁴³ Charter of Philadelphia, Laws of Penn. (1919), Act. No. 274, Art. V.

tions of the mayor, it may in practice dictate the nominations to a considerable extent. The system practically insures compromise appointments.

In many of the smaller cities the only supervisory authority over the police department consists of a council committee of which the mayor of the city is frequently an *ex-officio* member. Under this arrangement control over the police department is divided between the mayor and council, and there is generally a shifting of responsibility, and often friction. In cities too small to support a director of safety or a police commissioner, the supervision of the uniformed force should be given to the mayor of the city rather than to a committee of the council. The system of supervising police work by a council committee, though successful in England, has not been satisfactory in American cities.

Appointment and Control by State Authority.

A third method of controlling the heads of police departments which, though not so popular as formerly, is still found in a few important cities, is that by which the police force is entirely removed from the control of the city officials and is vested in state authorities.

The introduction of state appointed police heads was due to two reasons — general dissatisfaction with the control exercised by locally chosen police officers, and the conviction that certain state laws vital to the well-being of the state were not being properly enforced. Partisan consid-

erations undoubtedly also played a part in promoting the movement towards centralized police control.⁴⁴

For these reasons the New York State legislature in 1857 created the metropolitan police district embracing the cities of New York and Brooklyn, and placed the police control over this area in the hands of a commission appointed by the state. Other states soon followed the example of New York; some of the cities affected were Chicago, Cleveland, Detroit, Indianapolis, St. Louis and Baltimore. At present the more important cities with police departments under state control are St. Louis, Kansas City, and Boston.⁴⁵

In 1885 the General Court of Massachusetts established the board of police for the city of Boston.⁴⁶ It was composed of three citizens of Boston appointed for five year terms by the governor and council. The board was bipartisan. In 1906 the legislature amended the act so as to give the authority then vested in the police board to a single commissioner⁴⁷ who at present has complete charge of the police department. The late Police Commissioner O'Meara assumed office June 4, 1906, and was twice reappointed for a five year term.⁴⁸

The Baltimore board of police commissioners consisting of three "sober and discreet" persons appointed by the gov-

⁴⁴ Goodnow, *City Government in the United States*, p. 223.

⁴⁵ *Ibid.*, pp. 222-3.

⁴⁶ Ch. 323, Acts of 1885.

⁴⁷ Ch. 291 (1906), Sec. 7.

⁴⁸ Boston Municipal Register (1917), pp. 133-4.

ernor with the advice and consent of the senate was recently abolished. Control is now vested in a police commissioner appointed by the governor of Maryland.⁴⁹

The St. Louis charter contains the following:

When the city is permitted by law to establish and maintain a police department, such department shall be a division hereunder [department of public safety]. The head of said division shall be known as police commissioner. He may be removed, with or without cause, by the director of public safety or by the governor of the state.

Up to the present time, however, the state has not permitted the city to control its police force. The police department of St. Louis is under a board of five police commissioners appointed by the governor and the senate of Missouri.⁵⁰

The placing of a city police force under state authority arises out of a lack of confidence in the capacity of cities to govern themselves. That this arrangement is theoretically unsound from the standpoint of municipal organization seems clear. The police department to be highly effective must work in the closest coöperation with the other administrative divisions of the city but it is difficult to see how this coöperation can be attained so long as the department is not organically related to the other municipal services. This statement is made in full recognition of the fact that eminent authorities⁵¹ have testified that on the whole state

⁴⁹ Laws of Md. (1920), Ch. 559.

⁵⁰ Charter of St. Louis (1914), Art. XIII, Sec. 15; Revised Statutes of Mo. (1909), Sec. 9803.

⁵¹ Ex-mayor Quincy of Boston has said: "I am free to say that

controlled police forces have been more efficient than those locally appointed. However, the rivalry between city administrations and state appointed boards which frequently exists cannot fail to make for a lack of coöperation and even for friction.⁵²

Local police control has often brought shame upon our cities; but the enactment of more rigorous civil service laws has been followed by radical improvements, and there is certainly at present no tendency observable to extend the system of state control over police systems. There is, however, some merit in the New York charter provision which allows the governor to remove from office a police commissioner when in his opinion the public welfare demands it. This scheme has the advantage of leaving the practical control over police in the city government itself and giving the state government only such powers as may serve to safeguard against gross abuses.

Thus far three different methods of controlling the administrative officers of police departments have been considered. A large number of cities vest such control exclu-

under the present board police administration has been better, the laws have been more strictly enforced, good order has been more generally maintained than under the old system. When the tone of the state government is higher than that of the city government, centralized police administration is the better system. The strictly police functions are more properly a state affair than most of the other departments of the city government." Goodnow, *City Government in the United States*, p. 224.

⁵² See Whitten, *Public Administration in Massachusetts*, Columbia University Studies, Vol. VIII, pp. 96-99; Rawles, *Centralizing Tendencies in Administration of Indiana*, *ibid.*, Vol. XVII, pp. 308-314.

sively in the chief executive officer of the city thus centralizing in him responsibility for the management of the police force. Many others, however, retain the older method of dividing authority between the mayor and the city council by requiring councilmanic ratification of the mayor's nominations. Still others vest the control over police in the state government and thus remove this important branch of municipal activity from all organic relation with the city government proper. A fourth method, popular election, is found in commission governed cities.

Popular Election.

The popular election of heads of municipal departments which was introduced in a number of cities just previous to the Civil War did not bring the desired results and was gradually abandoned, though it is still common to find important financial officers of cities selected by popular vote.⁵³ However, in commission governed cities the members of the city council are all popularly elected and act individually as heads of the several administrative departments. One of them is usually designated commissioner of public safety and has charge of the police and fire services.

The widespread adoption of the commission form of municipal organization began in 1907. In that year the legislature of Iowa passed a law enabling certain cities to inaugurate the new form of government and in the following year the city of Des Moines placed it in operation. This

⁵³ Goodnow, *City Government in the United States*, pp. 116-118.

law provides, as do similar laws in other states, that the popularly elected council consisting of a mayor and four councilmen "shall have and possess and the council and its members shall exercise all executive, legislative and judicial powers" formerly vested in the various organs of government.⁵⁴ Further, the executive and administrative powers are distributed among five departments one of which is the department of public safety. It contains the sub-departments of police, fire and health. The law provides that the council shall assign the four commissioners to four departments, the mayor always being commissioner of public affairs. The council, however, selects all subordinate officers. This deprives the commissioner of safety of considerable responsibility. Removals are likewise made by the council.

Up to the present time, Buffalo is the largest city in the United States under commission government. In 1914 the legislature of New York enacted the charter of Buffalo which upon its acceptance by the city became operative January 1, 1916. The charter vests in a council of five members all the legislative and executive powers of the city. The mayor is always superintendent of the department of public safety and is thus directly elected to his position by the voters. The other councilmen are designated one to each of the other departments by the council itself. Under the superintendent of safety are placed the divisions of police, fire and health. The charter places upon the mayor the

⁵⁴ 33 General Assembly, Ch. 64, Sec. 9.

obligation of "acquainting himself with the conduct of each of the other departments."⁵⁵ Although the mayor is made responsible for the administrative supervision of the police force of the city, his authority is not complete since the charter also provides that "the government and discipline of the department shall be prescribed by the council in the form of orders, rules and regulations for such department."⁵⁶ Further, the council must consent to the mayor's appointment of the head of the police force whom it may remove at pleasure. Responsibility is thus divided between the mayor and the council in much the same way as is customary in cities under the old mayor and council system.

It has been shown over and over again that efficient administrative heads cannot ordinarily be secured through election — but that they may be more readily secured through appointment. Another defect of the commission form of organization lies in the fact that generally the council itself retains control over the several administrative departments. The commissioner of public safety may nominally be head of police but so long as the council as a whole makes appointments and removals and issues the orders and regulations for the government of the department, the commissioner may be the head in theory only. Sooner or later commission government will be found wanting. Cities are already beginning to realize its shortcomings and are sub-

⁵⁵ Sec. 42, 43.

⁵⁶ Sec. 250.

stituting for it the more centralized commission manager type of organization.

The extent to which the commission form of municipal government has been adopted is indicated by the fact that at the close of the fiscal year of 1917, ninety-one of the 219 cities in the United States with over 30,000 population were operating under commission charters. Since that time the number has remained about the same. In all of these cities the administrative heads of the police departments are popularly elected.⁵⁷

Election by City Council.

A fifth method of choosing the administrative head of the police department is found in Atlanta where the board of police commissioners consists of one member from each of the wards of the city, and the mayor and the chairman of the police committee of the general council *ex-officiis*. Members hold office for three year terms and are elected by the general council.⁵⁸

Relation Between Administrative Head and the Force.

Before taking up the internal structure of police departments it is desirable to consider briefly just what relationship should exist between the overhead administrative officers already examined and the technical head of the department, the chief of police. What functions should

⁵⁷ U. S. Census Bureau, *Financial Statistics of Cities* (1917), p. 46.

⁵⁸ Charter (1910), Secs. 390-394.

the administrative head of the department perform? What functions should be left to the chief of police?

City charters do not set forth clearly just what this relationship should be. Moreover, it would be unwise to have any hard and fast prescriptions as to division of labor according to functions and duties, for in that case it would be difficult to make such adjustments as might be necessary to meet purely local needs. Identical charter provisions when made to cover cities ranging in population from a few thousand to several hundred thousand must obviously be applied in different ways.

Care should be taken, therefore, that charters be not too specific in outlining processes by which the department is to be administered. It is enough to establish the general form of administrative control. On the other hand it is of the greatest importance that the duties of the non-professional head and the uniformed head be clearly understood and that the activity of each be confined to his proper sphere.

Much harm may result when the administrative head trespasses on the field of the chief. The administrator in such cases tends to make of the chief a rubber stamp, and impairs his own usefulness in the larger field for which he was appointed or elected. On the other hand, when the chief undertakes more than his share in the management of the department without supervision and review by his administrative superior the latter becomes a figure head. This situation is likely to develop when the commissioner or director takes office without having had previous experience in police

work and when the chief is an experienced man of the aggressive type. The same condition exists when the chief is allowed to deal directly with the mayor concerning police matters thus circumventing his administrative head.

That the administrative head and the subordinate executive officer do not confine themselves to their respective fields may be the result of an aggressive personality or of ignorance of just what duties attach at their respective offices. A few illustrations may serve to indicate what would constitute reasonable distinctions in the official duties of the non-professional heads on the one hand and of chiefs or superintendents on the other. For this purpose we may take two phases of police business that will present a variety of problems: traffic regulation and detective bureau organization and operation.

Traffic regulation is a phase of police work that requires considerable attention from both the non-professional administrative head and the chief uniformed officer. While both apply their thought to the one common problem, they approach it from different angles.

Let us assume, for the purpose of illustration, that a study of the traffic situation reveals the need for new legislation, either state or municipal. It would fall upon the administrative head to outline definitely what new rules and regulations are needed or what amendments to the old regulations are required. He should initiate the proposals for such improvements and do all in his power to secure their adoption. He should keep in touch with automobile clubs

and other organizations which, having an interest in traffic problems, often prove helpful both in working out a program for traffic control and in securing legislative action when such is required.

The best solution of an acute traffic problem for certain streets may lie in a re-routing of street railway cars. This of course involves somewhat extensive negotiations in which the administrative head of the police department should act and not the chief of police. It may be that the restriction of parking privileges is required to facilitate the movement of traffic in some streets, or that certain streets be made "one way" streets. Under such restrictions the convenience of a few citizens is sacrificed for the accommodation or safety of the greater number. To make decisions involving such conflicting interests is to determine public policy. This is the work of the administrator.

When the laws, ordinances and rules for regulating traffic have been determined upon and established, it falls to the members of the force to see that they are put into effect. But this work must be done in compliance with prescribed methods of procedure. These methods are subject to considerable variation, being determined by departmental policy. The non-professional head is the one who decides what shall be the general policy of the department in enforcing the laws. It is for him to determine what methods shall be employed in acquainting the public with the rules and regulations applying to the operation of vehicles.

Finally, the non-professional head must lay down the

policy to be followed by the department in handling cases of violation of the laws and regulations. Offenders may be arrested summarily, summoned to court, summoned to police headquarters for warning, or merely admonished by the officer observing the violation. Such policies should be decided by the administrative head of the department.

The uniformed head or chief on the other hand confines his attention largely to the field of operation in traffic control. He must see that schedules are devised which provide for covering the traffic posts over varying periods of time, for rotating the assignment of men and for giving relief to the men on post for short periods. The chief should be charged with maintaining the required personnel in the traffic bureau or squad. This entails an obligation to select for this particular branch of work men having the special qualities, physical and temperamental, needed for traffic work. He should establish the proper tests and put beginners through a course of training. He should see that the methods of giving signals are uniform, that there is adequate supervision of the work of traffic men by officers, that accurate and complete records are kept of all vehicular accident cases, and that the records and reports are so prepared and classified as to permit of proper statistical analysis.

Thus it is seen that, in dealing with traffic regulations, the non-professional head is concerned chiefly with matters that affect the public at large, and with questions that involve relationships with agencies outside the department. He could with profit spend much time on the subject of traffic

regulation without turning his attention to the particulars of routine operations in the department. It is his business to decide how much the police shall regulate and, in general, what practices shall be followed in enforcing the regulations. The chief uniformed officer on the other hand begins where the commissioner or director leaves off and sees to it that traffic is actually regulated. The chief sees that the laws and ordinances are enforced, that the departmental program is carried out and that the routine operations provide for the moving of traffic as speedily and safely as possible.

Care should be taken, however, to see that the duties and responsibilities apportioned to the uniformed head are not so limited to affairs of routine operation that he will lose all initiative and vision in the performance of his work. While it is true that the part of the administrative head is largely a thinking part in contrast to the control of actual operations, it is not true that the chief's work should stop with operations. The chief must do more than see that men are placed on posts and supervise their work. He must apply his best thought for the improvement of the various branches of the service under his control. The daily operations in a given field should yield an experience that can best form the basis for initiating improvements. For example, those who are actually regulating traffic from day to day are best qualified to see the need for designating certain streets to be "one way" streets and to make recommendations to that end.

We may take the subject of detective bureau organization

and operation to illustrate further the respects in which the functions of the non-professional head differ from those of the uniformed head. First there arises the question as to the form of internal organization, whether the bureau is to be centralized, partially centralized or decentralized. This is a matter to be determined by the administrative head. He would be responsible for expanding the organization. For example, he would decide upon the need for establishing separate units such as a bureau of missing persons or a bureau of automobile identification and recovery. It is his business to assess the relative needs, in his particular city, of detective service and uniformed patrol service and to regulate the development of these two branches in accordance with some definite program. He would determine what kind of criminal identification system is to be used, the finger print system, the Bertillon system or both.

The control of actual detective operations on the other hand would rest with the chief who would do the work through his chief of detectives.

The chief or uniformed head of the department may be likened to the general manager of an industrial concern. He is charged with the general oversight and management of police operations and securing for the city the maximum police protection possible with the men and means at his disposal. But he must see that the city is policed in accordance with the general policy, both as to purposes and processes of police service, submitted to him by his immediate

superior. He must attend to the very important matter of distributing the force by territory and by kind of work, as foot patrol, mounted patrol, plain clothes investigation, special squad duty and so on. The chief must give close attention to the supervision of patrol as well as other phases of police work since he is held responsible to the lay head for the quality of the work performed by the several branches of the organization. With this responsibility should come the power to make such transfers, assignments and details to special duty as will in his judgment produce the most satisfactory results. He must see not only that policemen are at work on their regular assignments, but also that the necessary reports of the work of individual members are prepared and adequate records of all police work are maintained. He must provide for the instruction and training of new recruits coming into the department, and see that all old members of the service are kept informed regarding changes and additions in connection with laws, ordinances, departmental regulations and rules of procedure. The inspection of personnel and equipment comes under the chief's supervision. He is also held responsible for the right use and care of the department's property. Finally, the most important duty of the chief, as general manager, is to effect the coördination of the work of the various units in the organization. This requires executive ability of a high order and an intimate knowledge of the technique of police operations.

The non-professional head of the department deals with

the larger problems of police management. He answers to the mayor or other officer from whom he receives his appointment for the work of the department as a whole. He is held accountable for the net results of the police service. It is his business to see that the proper weight is given to police service when viewed as a phase of the general program of the municipality, especially in the light of the financial program. The police department like all other divisions of the city government generally wants more money. But after a certain minimum standard of efficiency has been provided for, the extensions of the service have only relative essentiality and have to be compared with other enterprises that are also in need of more money. In this connection the lay head is responsible for the preparation of budget estimates and for defending such estimates when the appropriating body passes on the annual city budget.

He is the officer to procure the coöperation of co-ordinate city departments and to determine to what extent it is feasible to lend assistance to other departments. He determines also what relationship shall exist between the police department and the non-coördinate branches of government, the federal, state and county organizations. Similarly he establishes the relationship with semi-public and private agencies. He is responsible for initiating legislation either state or municipal that may be required to deal successfully with the problems confronting the police.

He should have full responsibility for the appointment

and promotion of members of the force, subject, of course, to such civil service rules and regulations as may be in force and applicable to the police service. It is his duty to administer disciplinary measures, in cases of delinquency, in accordance with civil service provisions where such are in force.

To sum up, it devolves upon the non-professional head to act for the police department in dealing with persons, organizations, and other governmental agencies outside of the department; he determines all policy and evolves a general program for the guidance of the police service in carrying out that policy.

On the whole less harm will result from the chief's entering the border-line field of the administrative head than will result when the latter attempts to direct routine operations. When the chief considers the larger questions affecting policy, plan and program — without neglecting his duty of supervising operation — he may be considered as an expert aid and adviser in no way supplanting the administrative head who is alone responsible for final decisions. But when the situation is reversed and the non-professional head of the department undertakes to direct routine affairs he is likely to become an instrument of interference. The chief in yielding his duties surrenders also a proportionate amount of responsibility for police operations. The lay head in such a case takes responsibility for two jobs and frequently with poor results.

Internal Organization of the Department.

In the organization of the police force proper there is more uniformity than in that of the non-professional administrative heads already considered. It is true, the police department of a large city is vast and complex when compared to the police department of a city of 50,000 population, but in the underlying principle the organizations are quite similar. In both cases, there is a hierarchy of officers, as in a military organization, for the purpose of supervising the patrolmen; and in both there are found territorial subdivisions such as districts and precincts for the distribution and control of the force by these officers. Moreover, the head of the uniformed force is invariably a single officer, never a board or commission. Under the chief or superintendent of police the hierarchy of officers consists of inspectors, captains, lieutenants and sergeants who act as supervisors and directors of patrolmen, detectives and special squads. The object is to provide for each policeman a superior officer charged with the duty of enforcing discipline and effective police service. Unsupervised patrol soon degenerates into loafing; hence the efficiency of any police organization depends largely upon the strictness with which each officer from the chief down to the sergeant enforces discipline and the honest performance of duty.

When one considers the internal organization of a police department two matters deserve attention. These are: function and distribution. That is to say, the members of the department should be organized into divisions or groups

according to the special kinds of police service they perform, and they should be properly distributed throughout the various sections of the city. The functional organization should depend, therefore, upon the activities undertaken by the police. The organization into precincts or other divisions should depend to some extent upon the particular geographical layout of the city in question.

Functional Organization.

In any sizable city there are at least five different kinds of police work that every police department is called upon to perform. These are (a) patrol service and traffic regulation; (b) detective work; (c) plain clothes services concerned with the suppression of gambling, prostitution and violations of the liquor laws as well as with crime prevention duties; (d) business and clerical or secretarial services necessary for the control and maintenance of the entire organization; (e) the medical and surgical care of the force. It follows, therefore, that the functional organization of a police force will require at least five bureaus or divisions, one to correspond to each of the above-mentioned necessary police services.

Each of these bureaus or divisions should of course be directly responsible to the executive head of the police department, the chief of police, who should control it through an officer directly responsible for the work of his bureau. Such an organization centers responsibility on a few men and promotes the most efficient management.

Under such functional organization the chief of police would probably assume immediate charge of the uniformed force, and would thus be responsible directly for the patrol and traffic bureau. He would detail a captain or lieutenant to take charge of the detective division; another to direct the plain clothes men and policewomen; a chief clerk or secretary to have charge of the business and clerical services of the department; and a chief surgeon in charge of the surgical bureau.

In some police departments there has been a tendency to enlarge unduly the number of separate divisions or bureaus. For example, it is not uncommon to find the bureau of criminal identification a separate division responsible to the chief instead of a subdivision of the detective bureau with which it must obviously work in close coöperation if it is to fulfill the purpose of its existence. Again, divisions having to do with lost persons are sometimes distinct organizations instead of being, as they should be, subdivisions of the detective bureau. The reason for this tendency to increase the number of separate bureaus is not difficult to find. When new services are undertaken it seems natural to create separate organizations to carry them out. This is often easier than to relate the new services to those already established. Moreover, the personal predilections of individual officers often play a far greater rôle than does the welfare of the whole organization. Thus it may happen that the officer determined upon for one reason or another to head a new service objects to being made a subordinate

of the head of an established organization. He may have sufficient influence to enforce his desires even though that may not make for the improvement of the service. This tendency toward many separate bureaus, not grouped according to function, is analagous to that which has led to the establishment of the hundreds of semi-independent boards and commissions that carry on the administrative services of our states. It is obviously easier for the head of a police department to supervise his department through a small number of subordinates than through a large number. Similar services should be organically related. This course centers responsibility and promotes efficiency.

As will be emphasized later, it is greatly to the advantage of efficient police service if the heads of the several divisions be not changed except for proved inefficiency. Just as it takes time and great ability for a chief of police and an administrative head of the department to build up the proper sense of loyalty among the members of the department, so it takes time and ability for the bureau chief to do so in his own bureau. It is greatly to be hoped that the principle of retaining efficient administrators may become more firmly established in American police departments. It is a matter, however, that can scarcely be regulated successfully by law. It depends rather upon the building up of a sound public opinion that insists upon its being carried out.

Let us consider next the second problem of organization relative to the police department—the proper distribution of the force throughout the city.

It is customary to divide large cities for purposes of police service into precincts or districts and sometimes both. In small cities all the men report directly to central headquarters. In 1915 there were 145 cities with over 30,000 population in which this was the case. The other 59 cities reported precincts or other organization units. Of these, captains were in command in 24; lieutenants, in 12; sergeants, in 8; and inspectors, in 1. The remaining cities showed no uniformity. Five cities reported both districts and precincts.⁵⁹

The older practice relative to the distribution of the detective and plain clothes officers was to attach them to the several police precincts into which the city happened to be divided. This led to many abuses. It has been widely replaced by a more centralized form of organization or at least supplemented by such organization. It is now customary to have a number of squads organized functionally and operating in their particular kinds of cases throughout the city. This has been found to be the only scheme that allows for the requisite amount of specialization. However, in addition to these specialized squads there frequently remains for general detective services the district organization. These districts may correspond to police precincts or they may be different. The important point to be emphasized is that the men so distributed should be under detective officers responsible to the head of the detective bureau and

⁵⁹ U. S. Census Bureau, *General Statistics of Cities* (1915), p. 32.

not to the commanding officer of the police precinct or district.

The clerical or secretarial and statistical service should be centralized at headquarters. Certain records of course must remain at precinct houses but the central office should be a clearing house for all records necessary for the control of the entire department. This is the only method by which the heads of divisions and the head of the department can have available all the information they need.

The secretarial bureau should have control also of the property of the department such as automobiles, motorcycles, horses, and other equipment, and should be responsible for the upkeep of station houses.

Here it may be stated that the wasteful system of having policemen detailed to perform clerical work cannot be too strongly condemned. Clerks, stenographers and statisticians should be employed. Policemen who enter the department should perform police service; that is what they are chosen for. Civilians should constitute the personnel of the secretarial bureau.

It is, of course, impossible to work out a definite formula for the organization of police departments which if consistently followed will automatically produce efficient police service. The slightest attention given to the varying forms of police organization found in our cities will make this clear. Comparatively successful police service has been rendered by the most diverse kinds of organization. Likewise under practically the same form of organization one

city may be getting excellent results where another may be disgraced by inefficiency and corruption. It is suggested, however, that certain principles of organization when put into practice render good police administration relatively easy to attain while others though perhaps they may not make such results altogether impossible, nevertheless make their attainment needlessly difficult.

CHAPTER III

APPOINTMENT, PROMOTION AND REMOVAL

The Merit System of Appointment.

THE demand of private employers for profits is strong enough to secure tolerably efficient employees and to retain them as long as they give satisfaction. But in the public service different motives obtain. Those elected to public office are generally so hedged about by preëlection promises that the choice of subordinates is almost invariably made on the basis of party patronage rather than on that of merit. The history of the public service in this country both national and local furnishes abundant proof of this. The spoils system of office-mongering is so obnoxious in its prostitution of public office to party ends and has brought such corruption and inefficiency that some other system of choosing minor officials for public position is recognized as absolutely necessary. This other system is of course the merit or civil service system which now prevails in most of the larger cities of the country and in many smaller ones as well. In 1915 the police employees in 60 per cent. of the cities of over 30,000 population were under some form of civil service regulations,¹ and in many cities not having

¹ U. S. Census Bureau, *General Statistics of Cities* (1915), p. 32.

regular civil service commissions an effort was being made to set up entrance tests similar to those required by civil service commissions. The civil service method of selecting policemen is undoubtedly the best yet devised for this purpose.

Applications.

In cities operating under the merit system persons desiring admission to the police service are required to make a formal application for examination to the civil service commission. These applications² must be made on a prescribed form in the applicant's own handwriting and must be accompanied by such certificates or evidences relative to citizenship, character, health, education, previous employment, training and fitness as the commission may require. The statements must be made under oath, properly attested. In New York City the rules provide that each application must be accompanied by certificates from four reputable citizens living in the city stating that they have known the applicant for at least one year, that they have read his statements, that they believe them to be true and that they will, if requested to do so, furnish the commission and the appointing officer such other information relative to the applicant as they may possess.

² For regulations concerning applications see:

Rules of N. Y. Municipal Civil Service Commission, Rule VIII

Rules of Civil Service Board of New Haven, Rule V

Civil Service Rules of Chicago, Rule II

Rules Civil Service Commission, Philadelphia, Rule II

Laws Massachusetts (1911), Ch. 119, and Rules 7-11.

Character Examinations.

The more progressive civil service commissions are demanding evidences of good character from applicants for examinations. Thus the New York City commission may refuse to examine, or even to certify after examination, persons who are found to be addicted to the habitual use of intoxicating liquors to excess; those who have been found guilty of a crime or of disgraceful conduct; those who have intentionally made false statements concerning a material fact in their applications or examination.³ The Massachusetts commission which certifies applicants for both municipal positions and state positions places the burden of proof of good character upon the applicant who must present such evidence of character as the commission demands. It may exclude from an examination any person because of:

- 1—Dismissal of the applicant or eligible from the public service for good cause, or his resignation pending charges.
- 2—Criminal, infamous, dishonest, immoral or notoriously disgraceful or dissolute conduct, or bad character.
- 3—The knowingly making of a false statement by any person in his application for examination, and every connivance by him at any false statement made in any accompanying certificates, or the commission of or attempt to commit any fraud against civil service laws or rules or regulations, or any complicity by

³ New York Rules No. 7, 14.

him in any such fraud, before, during, or after any examination.⁴

Special Qualifications.

For applicants to the police service there are usually a number of special qualifications relative to age, height and weight. In Boston applicants may not be under 25 nor over 33 years old; must be not less than 5 feet 8 inches in height and must weigh not less than 140 pounds.⁵ The New York City commission requires applicants for the police service to be subjected to tests having reference to: (a) measurements of weight, height, chest expansion and mobility; (b) sight and hearing; (c) habits as to use of stimulants and narcotics; (d) general organic condition; (e) previous condition of health. The minimum measurements for patrolmen are as follows:

Height	Weight Lbs.	Expanded Chest Inches	Chest Mobility Inches
5 ft. 7-1/2 in.	140	36-1/2	3
5 " 8 "	140	37	3
5 " 9 "	145	37-1/2	3-1/2
5 " 10 "	150	38	3-1/2
5 " 11 "	155	39	3-1/2
6 " "	160	39	4
6 " 1 "	165	39-1/2	4
6 " 2 "	170	39-1/2	4
6 " 3 "	175	39-1/2	4
6 " 4 "	180	40	4-1/2
6 " 5 "	185	40	4-1/2

⁴ Rule No. 9.

⁵ Massachusetts Civil Service Rule No. 10.

The age limitations for the position of patrolman are 21 and 29 years respectively.⁶

The minimum age requirements in American cities vary from 21 to 25 years at appointment. The maximum age allowed is from 29 to 40 years though there are some cities that appoint men up to and over fifty years of age.⁷

Such applicants as may have presented the required credentials are admitted to the civil service examinations to test their special qualifications for the positions sought. These examinations are required to be practical in character and to test as fairly as possible the relative fitness of candidates for appointment. Thus the New York Constitution requires appointments in the civil service to be made according to merit and fitness "to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive."⁸ Rule 15 of the Massachusetts commission requires that "all examinations shall be impartial, practical in their character, and with paramount regard to matters which will test the relative capacity and fitness of the persons examined for the service which they seek to enter." Sometimes, there are provisions prohibiting the asking of questions framed so as to elicit information in regard to the political or religious affiliations of persons being examined, to the end that there may be no discrimination because

⁶ Rule XVII and Regulation VII.

⁷ See U. S. Census Bureau, *General Statistics of Cities* (1915), Table VIII; also Table in Appendix.

⁸ Art. V, Sec. 9.

of such affiliations.⁹ Such provisions tend to prevent factors other than merit from influencing appointments.

The best practice in the actual conduct of examinations requires the exercise of great care to prevent irregularities. Candidates are given minute regulations in regard to examination procedure and every effort is made to make the tests absolutely fair to the contestants.¹⁰

⁹ See Laws Penn., Act of March 5, 1916, Sec. 23.

¹⁰ In New York City each competitor is furnished, in printed form, the following instructions:

- 1—Candidates shall read carefully the printed instructions before beginning work. They will be bound by the following rules, as well as by the instructions given to each competitor at the beginning of an examination.
- 2—They must put their preliminary numbers on the notices to appear, fill out the preliminary sheet, including all blanks, sign their names thereon and enclose the preliminary sheet and notice in the envelope provided and seal the envelope and hand it to the examiner.
- 3—Each paper written by a candidate shall be marked with his or her examination number, but if the candidate's name or any other identifying mark is used the paper will not be rated.
- 4—Candidates must observe that each question sheet is received in proper order, and be sure that none of the sheets have been omitted. They are held responsible for all errors and omissions.
- 5—Candidates must not leave their desks with a sheet unfinished unless required to do so by nature of the examination. A candidate who leaves the room while engaged on a paper will not be allowed to finish that paper.
- 6—They are allowed to leave the examination room for luncheon at such time as may be announced at the examination. No additional time will be allowed on account of absence.
- 7—All necessary additional sheets of examination paper upon which to complete work may be had upon application to an examiner or monitor. Answers should not be written on the question sheets, but on the ruled sheets provided for that purpose.
- 8—In writing, pencil work will not be allowed, but in an examination where drawing is a test, sketches may be made in pencil.

Examinations.

The various civil service commissions determine the subjects upon which applicants shall be examined, the relative weights to be given such subjects and the general averages which must be reached in them so as to merit a place upon the eligible list. In the police service of Chicago the schedule of subjects and the weights attached to them are as follows :

Special subject	{ Rules and regulations City information	{ 3 1	Weight of 4
Physical	{ Tests of agility and muscular strength Inspection	{ 2 1	Weight of 3
Educational	{ Spelling Penmanship Geography and civil government Arithmetic	{ .5 .5 .5 .5	Weight of 2
Experience			Weight of 1
			—
			Total 10

- 9— Pencil and scratch paper may be used for preliminary work, except for spelling, which must be written with ink directly on the ruled sheets from the dictation of the examiner.
- 10— No scratch paper may be used except that furnished by the examiner in charge, and on finishing the answers all the scratch paper should be destroyed by the candidate and must not be taken from the room.
- 11— No help is allowed except what appears on the question sheet or in the instructions given candidates.
- 12— Candidates who may be detected in consulting any printed or written matter during an examination will be dismissed.
- 13— All conversation or communication between candidates during examination is strictly forbidden. Speaking to a neighbor on any pretense or replying to him if he speaks will result in dismissal from the examination room.
- 14— It is forbidden to copy or to attempt to read from the work of any competitor, or to permit any competitor to copy from or to read the sheets of another. It is absolutely forbidden

Each of these subjects is rated on the scale of 100. The rating received on each subject is multiplied by the weight of the subject. These products are added and the total divided by the total weights of all the subjects. The quotient is the average given to the candidate and determines his place upon the eligibility register. A general average of 70 per cent. is required for a place on the eligible list.¹¹ Other civil service commissions follow a similar system of marking.¹²

Whenever civil service rules and regulations are in operation the officers having authority to make appointments must in case of vacancies notify the commission of that fact and request the certification of a number of names on the eligible list. The commission then certifies to the officer the names at the head of the list, usually three, from which the appointment must be made. Appointing officers are supposed to make the selection solely on the basis of merit and fitness.¹³ Provision is frequently made for dropping from the lists persons who have been certified several times and have been passed over by appointing officers. In Philadelphia, for

to make any signs or in any manner to seek to impart or to receive any information of any kind or description during an examination, under penalty of dismissal.

15—All necessary explanations will be made when practicable to the whole number of competitors.

16—All examination papers must be handed in with the answers and must not be taken from the room. New York Civil Service Commission, Regulation, X.

¹¹ See Rule III, Chicago Civil Service Rules, Sec. 11.

¹² See Regulation XII, New York Civil Service Commission.

¹³ See Rule XI, New York Civil Service Commission.

example, names are dropped after having been certified four times.¹⁴

From the foregoing it is evident that in the making of appointments the discretion of heads of police departments has been materially limited by the establishment of civil service regulations and that the procedure prescribed has become somewhat complicated. But that this has raised the standard of efficiency in police service is not open to question. In view of our party system and its obvious characteristics it seems that for the present at least the power of appointing officers must be weakened in order that a greater good — the appointment of police officers as nearly as possible on the basis of merit — may be attained.

But it must be borne in mind that civil service regulations are by no means universally applied. As mentioned above, in 40 per cent. of the cities of 30,000 population in 1915, policemen were not chosen under civil service rules. In this 40 per cent., however, only a few of the more important cities are included.

The desirability of making appointments to the police force contingent on passing civil service examinations has been seriously questioned. Some critics maintain that it is wholly impossible to determine relative fitness for police duty by means of written tests and that instead of providing the best material for appointments the system merely intrenches mediocrity. Others condemn the limitations it places upon appointing officers by requiring them to make

¹⁴ See Rule VI, Philadelphia Civil Service Commission.

their choice from lists selected by a civil service commission. Such critics are wont to point to the greater freedom private employers enjoy in the selection of subordinates and to the generally admitted fact that in private business this discretionary power has worked successfully. But it is a fact that in the public service it has almost universally failed. Given a police commissioner or a board of safety removed from any taint of partisan bias and at the same time endowed with great capacity for police administration and having a desire to use it exclusively for the good of the police service, it might readily be admitted that civil service regulations would be unnecessary and possibly even undesirable. But such conditions hardly ever obtain for any length of time in any city. Generally police commissioners are appointed for party reasons and only occasionally are they exceptional administrators. Under the present conditions of party politics, provision must be made to remove, as far as possible, the police service from the influence of partisanship and favoritism, and the civil service system has at least eliminated, where honestly applied, the grosser abuses which almost invariably prevail where the system is not in force.¹⁵ Moreover, the system is continually being improved.

With the adoption of civil service, the old spoils system cry of "turn the rascals out" was succeeded by the reform slogan of "don't let the rascals in." Civil service, designed as a defensive weapon against intolerable conditions, has

¹⁵ The advocates of civil service point to the fact that even in private business, employers are instituting "tests" of various sorts.

been in practice largely a restrictive influence. It has sought to bar incompetents from public office and to suppress the evils of party patronage. It has had large though not complete success in accomplishing its aims. Moreover, in recent years there have been developments in the direction of establishing a more constructive and positive program in civil service administration in such matters as efficiency ratings, standardization of duties, grades and salaries. Unfortunately these improvements have not been reflected in police service to such an extent as in some other fields of municipal administration.

Some defects of the system are obvious. The administration of civil service regulations by politically appointed boards can be and unfortunately has been sometimes thoroughly political. The power given commissions to make rules and regulations or to suspend them temporarily gives opportunities for exemptions and unfair preferences and favoritism. The more serious irregularities occur in connection with promotions.

There is less room for unfairness in original appointments to the uniformed force. The failures and shortcomings of the system can usually be ascribed to carelessness or inefficiency on the part of examining authorities, though improvements are being made. Occasionally, it is true, one hears of a leakage of examination questions before examinations are held, but the most common example of carelessness is observed in the important matter of character investigations.

Some time after the application for examination has been

filed, a character investigation is made. In some cities the civil service commission takes full responsibility in this matter; in others, the police department itself assumes it; in still others, both the civil service commission and the police department conduct character investigations. Some cities deem the vouchers accompanying the application a sufficient guarantee of the applicant's worthiness. In one large western city the vouchers are generally verified by telephone. "The vouchers stand unless we hear something to the contrary," said an official of an important civil service commission. Instead of slighting the character investigation, it should be the most important part of the examination. As a test of fitness for police service, it is of fundamental importance. Physical and mental qualifications are of small value unless accompanied by good character. Mental qualifications can be improved after appointment; physical defects can often be corrected; but defects of character are likely to be irreparable.

In this connection it should be emphasized that all police administrators who have the selection of policemen, either under civil service rules or without them, should make their appointments only after they have made a thorough character investigation of the applicants for positions, and after such applicants have passed satisfactorily the physical and medical tests prescribed by the surgical bureau of the department. No physical, intellectual and character investigations which the civil service commission may prescribe should be allowed to take the place of examinations conducted by the

department itself, for in last analysis the appointing officers are held responsible for the character of the men selected.

Probation Appointments.

It is customary in many cities for new appointees to serve a probationary period before they receive permanent appointments. The object of this is to test them in actual police service, to instruct them in the essential duties of their position and to provide a ready means for eliminating persons who prove that they are not fitted for police work. During this probationary period dismissals may usually be made at the discretion of appointing officers.

The probationary period in American cities is generally six months. During this period the more progressive police departments require superior officers to make careful reports on the work of recruits, both the work at the training school, where such an institution exists, and that on actual patrol duty.

Promotions.

The question of promotions presents one of the most difficult problems of police administration. If it is necessary to guard against the appointment of incompetent and vicious persons, it is even more important that precautions be taken to prevent such persons from becoming officers in the department. It is almost a universal rule in American cities to choose police officers from the ranks. This being

the case it becomes highly important that this choice be made wholly upon the basis of merit, for if anything but merit be allowed to influence promotions it soon becomes impossible to enforce proper discipline and maintain the morale of the force. It is especially desirable to prevent promotions from being made for partisan reasons. The entire *esprit de corps* of a police department is largely bound up with the prevailing system of making promotions. Where merit fairly ascertained is the sole basis of advancement the men become ambitious to do good work and the tone of the department is greatly improved. The service then offers a career. Where, on the other hand, the men in the ranks are convinced that other factors count in the promotions, there prevails a feeling of discontent accompanied by a resolve to use "influence" in seeking advancement. Such discontent is subversive of discipline. Any satisfactory method of promotions must, therefore, be absolutely just to all the members on the force and must reward those best fitted to command.

In many cities promotions are still made wholly at the discretion of heads of departments, for "efficiency," or "for the good of the service." That favoritism, party service and even graft frequently constitute the actual reason for promotion is not open to doubt. It should be recognized, however, that in such cases promotions are dependent quite largely upon the character of the head of the police department. If the police commissioner is a strong man, if he has a tenure which allows him to institute methods and test

them out, he may secure the promotion of the most capable men. On the other hand, if he is a partisan, intent upon rewarding faithful party service rather than efficient police service, then the system of allowing him discretion in making appointments will result in bad promotions, as the police history of many cities demonstrates. To give this discretionary authority to inefficient commissioners merely throws the entire matter of promotions into the hands of the party chief who constitutes the real controlling power.

One of the more important cities in which the head of the police department exercises complete discretion in making promotions is Indianapolis. Since the merit system has not been adopted there are no promotional examinations. No efficiency records are kept by the department to guide the head in making promotions; consequently, either the opinion of the chief of police or that of the members of the board constitutes the sole basis of promotions. The rule which requires the two major parties to have equal representation on the police force is unfortunately carried still further by giving it recognition in regard to promotions as well. This has placed promotions in the class of party patronage.¹⁶

Even in a considerable number of cities which require civil service examinations for appointment, promotions are made without regard to any system of merit.

¹⁶ See New York Bureau of Municipal Research, *Survey of Indianapolis* (1917), p. 157.

The Merit System and Promotions.

Promotional civil service examinations now constitute an established part of civil service procedure in many cities. Where this is true, promotional examinations are carried on in much the same manner as the examinations necessary for appointment, and though they do not always result in promotion of those most capable,¹⁷ they do prevent the advancement of those plainly incompetent and thus constitute a step in the direction of securing a better grade of officers. A few illustrations will indicate the manner in which promotions are made.

The Massachusetts civil service rules provide that promotions from one grade to another in the classified service are not valid until the candidate or candidates have been subjected to a competitive or non-competitive examination. Promotions are required to be made as far as practicable by successive grades, and persons must serve at least six months in a lower position before being promoted.¹⁸

The Philadelphia rules¹⁹ specify that when an appointing officer desires to make promotions he shall ask for an eligible list from which he must make his selection. Promotions may be made for a probationary period of three months during which time if the appointee proves unsatisfactory in his new position he may be reduced to his former grade. In the police bureau promotions run as follows:

¹⁷ See Article in 1909 Conference for Good City Government, pp. 172-178.

¹⁸ Rule No. 34.

¹⁹ Rule No. XI.

- 1 — Patrolman receiving maximum salary *to* detective, street sergeant, house sergeant or patrol sergeant
 2 — Detective or sergeant of any rank *to* lieutenant
 3 — Lieutenant *to* captain

In the classified service of Chicago,²⁰ promotions are made by means of competitive examinations. The schedule of subjects and their respective weights are as follows:

- a — For positions in the police service other than second-class detective sergeant:

Duties	Weight of 3
Physical: Test of agility and muscular strength and physical condition	Weight of 1.5
Educational: Spelling	.5
Penmanship	.5
Arithmetic	.5
History, geography and civil government	1. Weight of 2.5
Efficiency	Weight of 2
Seniority	Weight of 1

- b — For positions of second-class detective sergeant:

Duties	Weight of 4.5
Educational: Spelling	.5
Arithmetic	.5
Penmanship	.5
History, geography and civil government	.5 Weight of 2
Physical	Weight of 1
Efficiency	Weight of 2
Seniority	Weight of .5

²⁰ Rule No. VI.

Patrolmen must serve four years before they are eligible to examination for the position of sergeant, and no person is examined for the position of lieutenant or of a higher rank until he has served at least one year in the next lower grade.

Seniority may never count for more than one-tenth of the total weights. The markings entered for seniority are obtained by adding to a marking of 75 as follows:

Each full year of the first 3 years of service.....	3
Each full year of the next 6 years of service.....	1-1/2
Each additional year of service (maximum 14 years)....	1/2

Efficiency marks are based upon the monthly efficiency ratings for the six months preceding the examination. The average must be between 70 and 85 per cent.

Under the subject "duties" the candidate is examined in matters that will test his knowledge of the duties of the position he seeks to obtain.

The charter of New York²¹ specifies that promotions in the police department shall be made "on basis of seniority, meritorious police service and superior capacity as shown by competitive examination." Individual acts of personal bravery may be treated as elements of meritorious service according to ratings fixed by the civil service commission and the complete record of each candidate for promotion must be transmitted to the commission. Sergeants are selected from first grade patrolmen; lieutenants from sergeants

²¹ Section 288.

of two years' service; and captains from lieutenants who have served three years in that rank.

The Merit System and the Chief of Police.

The practical operation of civil service, in so far as it applies to the chief of police has revealed some serious defects. First, men lacking initiative and executive ability, are sometimes entrenched in this important position by the civil service barrier. Second, such a scheme of promotion by competitive examination does not permit the civilian head of the department to select the kind of man whom he may want to serve under him. Hence sympathetic relations and compatibility of temperament may frequently be prevented by the civil service scheme of selection.

Again, when there appears such a difficulty as has just been mentioned, there is great danger that the civil service commission will be coerced or that some sort of manipulation will take place whereby the success of some particular candidate is assured to the appointing authority. This, of course, defeats the very purpose of civil service and brings the whole system into disrepute, with the result that civil service may become a respectable cloak for political juggling, and the members of a whole department may become discontented and give up trying to prepare for promotion through straight competitive processes.

At present the great difficulty in the use of "back door" provisions of civil service, is that the directing head of the department cannot make adjustments of personnel which

will secure the best working relationships, without such drastic measures as reduction in rank or dismissal. To obviate these difficulties, it is suggested that the position of chief of police be taken out of the civil service as a regular promotional grade. The position would then be analogous to the position of chief of staff in the United States Army, or to an inspectorship in the New York police department.

The civil service grade of the person serving as chief would remain that which he occupied when he was detailed or designated as chief. Changes for the good of the service could then be made without destroying a man's rank, and without carrying any stigma of incompetence, suspicion or disgrace.

If a director or commissioner should have a particular preference for a member of the department to serve as chief, he would simply designate him as such, and the former incumbent would assume the regular grade which he had occupied before becoming chief. The argument may be advanced in assailing such a scheme that the political spoils system would thus be reintroduced as a substitute for the merit system; that there would be no restraint on the civilian head. This argument is not altogether valid. The answer is that no charter provision or civil service regulation is now really effective in such particulars. The civilian head will and does have his way; in any event, if a chief is objectionable or out of sympathy with the civilian head, the latter will either devise a way to dislodge him, perhaps unwarrantably, or will circumvent the chief by robbing him of his powers

completely. To remove the disadvantage of such hindrances and barriers which poor working relationships present, it would be wiser and better to substitute a legitimate, open and above-board plan to accomplish what is frequently done or attempted through subterfuge and irregular practices.

Students of police problems have long admitted that civil service competitive examinations when standing alone offer a very defective basis for making promotions in the police service. Officers of police departments complain that even under the most favorable conditions, with the examinations and ratings carried out with absolute fairness, poor men often stand near the head of the eligible list while men highly fitted to command are often found at the foot. Some of this criticism may be due to the fact that the results of the examinations often run counter to the personal opinions of the head of the department, but obviously certain qualities demanded of a successful police officer are extremely difficult to judge on the basis of any formal examination.

Efficiency Records and Promotions.

To remedy the admitted deficiencies of the civil service promotional examination, some of the more progressive cities are introducing a system of rating by "efficiency records." Inefficient police service resulting in reprimands, fines, etc., has long been recorded on the policeman's departmental record and has justly stood in the way of his pro-

motion; but good service has seldom been properly rewarded. This has resulted in encouraging policemen to do just enough to keep out of trouble and has discouraged zealously in law enforcement which often leads the officer into trouble. In the words of ex-Commissioner Woods:

The officer knew that his delinquencies were written in black and white at headquarters, while his good work was only known to his superior officer and soon forgotten. The fact, which is often the case, that the active, ambitious officer is more liable to get into trouble, was entirely lost sight of. Many officers, no doubt, employed their energy in an effort to keep out of trouble, realizing that this meant a clean record card at headquarters.²²

By efficiency records is meant a system of reports which will as nearly as possible indicate the day by day merits and demerits of the policeman in the performance of his duties. As may readily be imagined there are many obstacles in the way of developing an adequate system of efficiency records. It is easy to grant merit marks to the policeman who shows unusual ability, who makes a clever arrest, or performs some conspicuously heroic service. But to reward adequately the man who through honest and efficient police service keeps down disorder and prevents the perpetration of crime is a much more difficult task. Again, unless the record entries are made for definite accomplishments, and delinquencies, the results may be vitiated because of the personal predilections of the superior officer making them.

²² New York Police Report, 1914-1917, p. 11.

During the administration of Mayor Mitchel the New York police department made a study of efficiency records and finally installed what has been called the "merit system." A system of merit and demerit schedules was perfected which, it was thought, would as nearly as possible represent the work done by the men on the force. Merits were given principally "for the arrest and conviction of persons wanted for felony or for performing police acts of value, such as the saving of life, preventing of suicide, preventing crime, etc." Demerit marks were given for minor delinquencies previously dealt with by means of trials before a trial commissioner. The three highest men in each precinct were rewarded by excusing them from a certain number of tours each month. Moreover, the records of all the men were posted at intervals and thus became known to all. For the settlement of disputes arising out of the number of merits given, a Merit Appeal Committee was established.

The results obtained by the new system are, as might be expected, the subject of dispute. Commissioner Woods claims that the system stimulated a healthy rivalry among the men and greatly improved the quality of the service rendered. In his final report he says:

The system is as yet by no means perfect. We believe, however, that at least a promising start has been made toward evolving a plan by which the good work of a policeman shall be automatically reflected in his record, thereby making it possible to promote a man on the basis of his actual day by day work, instead of by the result of outside civil service examinations,

which have proved about as successful in putting the best men near the top of the list as drawing lots would be.

He goes on, however, to point out the defects as follows:

The weakest point in the system, as I see it, is that it fails to give sufficient credit to the kind of active, intelligent patrol that keeps crime and disorder from occurring on a post. It is easy to give credit for arrests and convictions, but hard to devise a method which shall do so for negative results, for preventing things from happening—the best form of police work.²³

The “merit system” was abolished by the succeeding administration. In his first semi-annual report to Mayor Hylan, Commissioner Enright criticized the system as follows:

This system was unpractical and its operation failed to develop efficiency or to demonstrate the comparative merit or ability of individual members of the force. The man who made a clever arrest, displaying intelligence, skill or heroism of the highest order, was placed upon the same basis with the man who made an arrest for the same crime, where the exercise of any one of these important qualifications was not required.

Furthermore, this system placed a premium upon pernicious activities upon the part of members of the force; it encouraged them in making arrests unnecessarily or issuing summonses when a warning would suffice. There was a tendency to exaggerate the degree of crime, in order that the best possible marks might be secured. This increased unnecessarily the work of grand juries and the higher courts.

The force is now assured that credit will be given for exceptional merit and commanding officers are directed to bring all such cases to the attention of the police commissioner, in

²³ New York Police Report, 1914-1917, p. 13.

order that good service may be rewarded in a practical way.

When members of the force display exceptional ability in preventing or detecting crime, they are recommended for duty in the detective bureau, where they have an opportunity to increase their salary. In cases involving personal risk they are awarded the standard recognitions so much coveted by all members of the force.²⁴

It should be stated that the "merit system" was put into operation in the uniformed force on March 1, 1916, and extended to the rest of the department on March 1, 1917. It consequently had only a short trial in New York City.

Other cities have adopted various forms of efficiency records based on similar principles. It will be recalled that in the Chicago schedules of subjects for police promotions mentioned above, "efficiency" is granted a weight of 2 out of a total weight of 10. The civil service commission furnishes sheets for monthly efficiency markings. These markings are derived from the daily time reports and reports of work kept in the department. When an efficiency rating below 70 or above 85 is submitted to the civil service commission the facts which determine the rating must accompany the reports. In such cases the commission reviews the matter and determines finally what the marks shall be. The factors used in determining the efficiency of employees are: *quality of work, attendance and discipline*. The weights given are as follows:

Above 85	Exceptional
Between 85 and 80	Very good

²⁴ Semi-Annual Report of Police Commissioner, June 1918, pp. 16-17.

Between 80 and 75	Good
Between 75 and 70	Fair
Below 70	Poor

To the above mentioned efficiency mark for quality of work special merits and demerits are added or subtracted in accordance with prescribed schedules, 5 merits or demerits being considered equivalent to one point in efficiency. Merit marks are awarded for special work tending to improve methods and standards in the department performed outside hours of duty, for extraordinary effort to protect life or property and for work exceeding in quantity and quality the standard day's work where such standards have been established by the department and the civil service commission. Demerits are given for tardiness, absence without leave, violation of rules and regulations, incivility, inebriety, etc. Offenses resulting in suspensions bring demerits varying from 10 for 1 day to 40 for more than 12 days.²⁵

In Cleveland, if the record of the applicant shows that he has not been under charges for violating the rules of the police department during the preceding 5 years he is entitled to a marking of 100 per cent. If found guilty he has charged against him from 10 to 20 per cent. for each of the complaints depending upon their character. This system allows no compensating credit for the most effective kind of police work.²⁶

²⁵ For the Chicago System of Efficiency Records, see Regulation XIII of Civil Service Commission.

²⁶ See Rule XVII: 17, Cleveland Civil Service Commission.

Systems of efficiency rating vary greatly in different cities. Most of them can hardly be called efficiency records, however, since they offer little opportunity of rewarding the conscientious daily performance of duty and often grant recognition only for more or less extraordinary services. For example, in San Francisco special weights are allowed by the civil service commission in promotional tests for the performance of heroic acts involving risk of life or for some especially efficient service.

Although various methods are being tried to place police promotions upon a scientific basis it must be admitted that as yet the matter seems far from a solution. The difficulties inherent in the problem seem almost insuperable. However, dissatisfaction with existing practices is in itself a hopeful sign; and experiments such as those made in New York City will probably result in improvements. Simple promotional civil service examinations must be supplemented by some sort of efficiency records adapted to the needs of each particular locality.

In giving efficiency ratings to their subordinates, captains or other commanding officers should consider the following matters:

- 1—General neatness and appearance
- 2—Intelligence in making reports
- 3—Intelligence and success in presenting cases in court
- 4—General carriage of the men while on patrol; whether they are alert and active, or careless and slovenly

- 5—Efficiency of patrolmen in observing and reporting matters of importance to other city departments, such as broken pavements, encumbered fire escapes, encumbrances on sidewalks, street lamp outages, etc.
- 6—Punctuality
- 7—Discipline
- 8—Reporting of suspected gambling and disorderly houses and other suspicious places.

Delinquencies and Removals.

Another important and as yet unsolved police problem is the establishment of an equitable plan of punishing policemen for delinquencies. There is peculiar difficulty in reconciling the need of vesting adequate disciplinary authority in the head of the police department with the equally pressing need of insuring permanence of tenure in police service. This difficulty has been the subject of prolonged study by students of police problems, by practical administrators of police departments and by the civil service reformers. The result has been that the methods adopted vary greatly. At one extreme, one finds practically the complete power of removal vested in the head of the police department and at the other nearly all such power in the hands of the civil service commission, or in the courts. Between these extremes are to be found a number of compromise methods.

Removal by Appointing Officers.

In those cities where civil service reform has made no progress the power to discipline subordinates is usually vested in the head of the police department, frequently accompanied, however, by charter provisions designed to secure safeguards against arbitrary removals by means of requirements for hearings and publicity.

The city of Indianapolis offers an illustration of this method. Delinquent policemen are tried by the board of public safety according to the charter, which provides that the board may remove members of the force for any cause other than politics after giving an opportunity to be heard, and that the written reasons for such removal shall be entered upon the records. On finding a member guilty of a criminal offense, neglect of duty, violation of rules, disobedience to orders, incapacity, absence without leave or other breaches of conduct, the commissioners may punish him by reprimand, forfeiture, suspension without pay, dismissal, or by reducing him in grade or pay.²⁷ They cannot, however, legally make such removal by merely entering on the record the grounds of removal without preferring charges against him and without giving him an opportunity to be heard.

The charter of Richmond places the trial of delinquent policemen under the chief of police who follows the practice of having the three captains sit with him during such trials.

²⁷ New York Bureau of Municipal Research, *Survey of Indianapolis* (1917), p. 159.

The men are allowed to subpoena witnesses and they are given ample opportunity to defend themselves.²⁸

Practically the same method of enforcing discipline is used in municipalities which operate under civil service rules. The laws are so framed as to vest in the appointing authority ultimate power in the matter of removals. They are based upon the theory that executive responsibility must be centralized and that without the exclusive power of removal the executive head cannot adequately enforce discipline. Further, it is argued that since appointments must be made from a civil service eligible list, the motive for making removals for partisan reasons is largely eliminated. Such laws, however, frequently provide that removals may be made only after due notice and a public hearing on charges. Sometimes there is provided review by the courts.

According to the provisions of the charter of San Francisco ²⁹ no member of the police department is subject to dismissal for any cause or to punishment for any breach of duty or for misconduct except after a fair and impartial trial before the commissioners of police upon a complaint setting forth specifically the acts complained of and after reasonable notice has been given. Those accused are entitled to appear in person and by counsel. The trials must be public.

In 1916 the board tried sixty officers upon complaints. Thirty-two of them were dismissed. The convictions were

²⁸ New York Bureau of Municipal Research, *Survey of Richmond* (1917), p. 250.

²⁹ Art. VIII: Ch. VII.

disposed of as follows: 4 were dismissed from the force; 14 were fined; 7 were reprimanded; 1 resigned; and 2 cases were pending at the close of the year. The fines imposed were large. One officer was fined \$25; five were fined \$50; six, \$100; and two, \$120. It was the custom to deduct the entire amount of the fine from the officers' following pay check, which in the case of the largest fines equalled the whole month's compensation.

The imposition of fines as a means of punishment is as a rule undesirable though it is a common practice. Fines actually fall most heavily on the policeman's family. This is especially true where all of the fine is deducted from one month's salary. This should never be done unless the fine is very small. Instead of fining policemen for dereliction of duty it is far better to shorten their vacation or to impose extra duty. The suspended sentence described below offers a promising solution of the problem.

In Los Angeles³⁰ the chief of police has the power to suspend or remove any officer or employee in the police department for cause which must be stated in writing and filed with the police commissioners. This board may, however, investigate his action, and if it deems the punishment unjustified may reverse it. It is customary to turn over all charges involving police officers to the head of the investigating bureau of the department which ascertains the facts, and reduces them to writing. All the facts and testimony are then turned over to the chief of police who takes sum-

³⁰ Charter, Art. IX, Sec. 93.

mary action or files them with the police commission for final decision.

Review by Civil Service Commissions.

In all the cities mentioned the power to remove members of the force is placed in the hands of the executive heads of authority in the matter of discipline at all. In other cities, however, an attempt has been made to grant civil service commissions authority in removals as well as in appointments. Certain Ohio cities for example allow the civil service commission to review the decisions of executive heads in disciplinary cases and to make reinstatements at its discretion. Its decisions are final.

In Cleveland, the police division is a subordinate bureau in the department of public safety and is under the control of a director responsible to the mayor. That officer has the exclusive right to suspend the chief of police, for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders or for any other just and reasonable cause. Such suspension by the mayor must be certified to the civil service commission which then hears the charges and renders final judgment. The chief of police has the exclusive right to suspend officers and employees in the police division for similar reasons. He must, however, forthwith certify the suspension together with the reasons therefor to the director of public safety who then renders judgment which may result

in suspension, reduction in rank or dismissal. Any person who is thus suspended, reduced in rank or dismissed from the department by the director of public safety may then appeal to the civil service commission within ten days. The director must then submit to the commission a copy of the charges and the proceedings. The commission may then affirm, reverse or modify the judgment of the director of safety, and its decision is final. In hearings before the civil service commission the admission of evidence is governed by rules applied by the courts in civil cases. Both the removing officer and the appellant have the right of representation by counsel.³¹ A similar procedure is followed in Columbus.³²

The new charter of Detroit provides for the reinstatement of persons in the classified service by the civil service commission when it appears upon their investigation that a discharge, reduction or suspension was made for political reasons or for reasons other than the good of the service.³³

Removals by Civil Service Commissions.

There is still another method of making removals which has in recent years been the subject of considerable controversy. The Chicago plan vests exclusive power of making removals in the civil service commission and leaves to the head of the police department only the right to bring

³¹ See Charter of Cleveland, Secs. 102, 106, 107, 110; also Rules of Civil Service Commission, Rule No. VI.

³² See Charter, Secs. 107, 108, 109.

³³ See 1918 Charter of Detroit, Title IV, Ch. II, Sec. 18.

charges against members of the force. The Illinois Civil Service Act ³⁴ specifies that no officer or employee of the city under civil service rules may be removed or discharged except for cause and after a hearing on written charges. Such charges are investigated by the civil service commission or by some officer or board appointed by the commission. The decision of the commission is binding upon the head of the department concerned. The charges against an officer or employee may be filed by the head of a department. When such a charge is filed the civil service commission notifies the officer or employee concerned and gives him an opportunity to be heard. The charges must state specifically the facts alleged to give cause for removal and must indicate the precise rule of the commission under which it is sought.³⁵

As yet this Chicago plan has not met with widespread adoption, but many students of civil service reform are coming to favor a greater degree of control for civil service commissions in the matter of removals from the classified service.³⁶ The Chicago plan bears the endorsement of the

³⁴ Act of 1895 amended 1915, Sec. 12.

³⁵ See Rules of Civil Service Commission of Chicago, No. VII.

³⁶ The tendency seems, however, in the direction of the Chicago plan. For example in 1917 the Minnesota legislature amended the civil service law applicable to first class cities by including the following:

Sec. 11. No officer or employee after six months' continuous employment shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said civil service commission or by or before some officer or board appointed by said commission to conduct such investigation. The finding and decision of such commission or investigating officer or board, when approved by said commission, shall be certified to the appointing officer, and

majority of the committee of the National Assembly of Civil Service Commissions chosen to draft a model civil service law. Section 7 of the model law reads as follows:

Section 7. Removals. No person holding an office or place classified and graded under the provisions of this Act, except civil service commissioners, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges may be filed by any citizen or taxpayer and shall within 30 days after filing be heard, investigated and determined by the commission or by some officer or board appointed by the commission to hear, investigate and determine such charges.

The finding and decision of the commission, or of such officer or body when approved by the commission, shall be final and shall be certified to the appointing authority and shall be forthwith enforced by such authority.

Orders or directions given by a superior to a subordinate, when contrary to the letter of the law or of an existing rule or formal order of general application, shall be given in writing, and in proceedings under this section it shall be no defense or excuse for a forbidden act or omission to carry out an existing rule or formal order that it was done by direction of a superior, unless it was done in pursuance of a written direction or order from such superior.

shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding ninety days for purposes of discipline. In the course of an investigation of charges, each member of the commission and of any board so appointed by it or any officer so appointed shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

The 1919 charter of Philadelphia has a provision almost identical with the foregoing, applicable to policemen and firemen. See Laws, Penn. (1919), Act No. 274, Art. XIX. Sec. 18.

As showing a similar trend of thought the recommendation of a committee of the National Municipal League is significant. That committee would make it the duty of the civil service commission to call for a hearing of any officer or employee in the classified service whose standard of efficiency as determined by his efficiency records has fallen below that prescribed by the rules of the commission, and call upon such officer or employee to show cause satisfactory to the commission why he should not be removed from the service. After such hearing the commission might remove, suspend, reduce in grade or otherwise discipline the person concerned. The decision of the commission would be final. Under this recommendation, however, appointing officers would be allowed to remove subordinates for the good of the service subject to the power of the commission to reinstate any such subordinate found to have been removed for political or religious reasons.³⁷

The same question relative to removals has been carefully considered by the National Civil Service Reform League which has also recently issued a draft of a civil service law. This draft contains a section ³⁸ on removals which is practically identical with that of the National Assembly but adds the following alternative provision:

Nothing herein contained shall limit the power of any appointing officer to suspend or dismiss a subordinate for any cause which will promote the efficiency of the service, upon

³⁷ See Model Law, National Assembly Civil Service Commissions, Note 17.

³⁸ Sec. 25.

filing with the commission written reasons for such action and giving the person whose removal is sought reasonable notice of the same, and of any charges preferred against him, and an opportunity to answer the same in writing, and to file with the commission affidavits in support of such answer. But no trial shall be required except in the discretion of the officer making the removal. All papers filed in the case shall be public records. The commission may reinstate an officer or employee so removed only in case it appears after a proper hearing that the removal was made for political or religious reasons.

Advocates ³⁹ of the principle giving exclusive jurisdiction over removals to the civil service commission contend that it would only be in line with the policies adopted by large business enterprises which, through the establishment of the office of superintendent of employment, have deprived the operating officers of final authority in matters of personnel; that the system proposed has been in successful operation for many years in Illinois and Chicago as well as in progressive commonwealths such as New Zealand and Australia; that in the absence of a change in the party in power there will be more removals than under the old system and that they will be made only for reasons that will improve the efficiency of the service; and finally that the procedure will not be hedged about by the formal procedure of a "court trial" or "suit in court" but that the commission will be free to act in the prompt and energetic manner of an administrative body.⁴⁰

³⁹ The principle has been approved by the Chicago, Illinois, New Jersey, and New York Civil Service Reform Associations.

⁴⁰ See Report of Committee of National Assembly, pp. 6-7.

On the other hand, those opposed to the Chicago method of removal see in it only an attempt to make still more irresponsible our already irresponsible form of government. They ask how an appointing officer can justly be held responsible for the work of subordinates over whose tenure he has no control, and point out that partisan removals against which the system is directed are effectually prevented by the civil service requirement that appointments can be made only from eligible lists.

Among the strenuous opponents of the new system is William Dudley Foulke, former member of the United States Civil Service Commission and president of the National Municipal League. In a recent article ⁴¹ on Removals of Civil Service Employees this distinguished advocate of civil service reform writes :

According to the proposed model law the man managing a department or perhaps a whole city can *neither appoint, suspend, transfer or remove a single one of his subordinates*. He has not the slightest power over any of them except the power which every citizen has of making complaint to the commission.

What means are left to enforce his authority and command the respect and loyalty of his employees? What assurance is there that the civil service commission will coöperate with department heads in carrying out their plans and enforcing their ideas of efficiency and loyal service? When a man whom the head of a department knows is dishonest or insubordinate is retained by the commission, what is the department head to do? He has made his charges and he has been turned down. What is his authority over his own force thereafter?

⁴¹ *National Municipal Review* for May, 1918, p. 267.

The plan of vesting sole power to make removals in civil service commissions would probably be a step in the wrong direction. If heads of departments and chief executives are to be held responsible, and the conviction is growing that they ought to be so held, they must be allowed to use the only means by which such responsibility can be enforced, the power of removing inefficient and insubordinate employees. It is entirely desirable that the light of publicity be thrown upon removals, at the option of the accused, and this is accomplished by the requirement that removals be made only for cause and after a public hearing at which the accused has the right to be heard. But the ultimate authority in the matter of removals should be the appointing officer. This applies especially to the police department where loyalty and discipline are the first requisites to success.

It is not to be inferred that the methods described constitute the only ones in use in American cities. There are varieties of those mentioned, where, for example, though the ultimate power to remove rests with the appointing officer, the civil service commission may investigate the proposed removal and make public its findings, though it has no compulsory power to make them effectual. This plan offers an opportunity for public opinion to exert a restraining influence upon officers with a tendency to abuse their removal power without depriving them of responsibility for the work of their departments.

Review by the Courts.

It remains to consider briefly the removal of police officers in New York City where the power of the courts to review the findings of the police commissioner on writ of certiorari has been a subject of bitter contention for many years. The charter of New York City forbids the dismissal or punishment of any member of the police force except after trial upon written charges before the police commissioner or one of his deputies. The section in questions runs as follows:

He [the police commissioner] shall have power and is authorized to adopt rules and regulations for the examination, hearing, investigation and determination of charges made or preferred against any member . . . of the police force, but no member, except as otherwise provided in this chapter shall be fined, reprimanded, removed, suspended or dismissed from the police force until written charges shall have been made or preferred against him nor until such charges have been examined, heard, and investigated before the police commissioner or one of his deputies, upon such reasonable notice to the member . . . and in such manner of procedure, practice, examination and investigation as the said commissioner may, by rules and regulations, from time to time prescribe.⁴²

The above procedure has been held judicial in character and reviewable by the courts on writ of certiorari. Formerly such review, however, did not include the right to reverse decisions of the police commissioner because they were deemed contrary to the weight of the evidence,⁴³ but an

⁴² Sec. 300.

⁴³ See *People ex rel. Masterson v. French et al.*, *Police Commissioners of New York City*, 110 N. Y. 494 (1888).

amendment of the code of civil procedure ⁴⁴ relative to the grounds for the reversal of such determinations under this writ definitely brought the competency and weight of the evidence within the purview of the courts in such cases. This has resulted in making the findings of the police commissioner in matters of fact subject to reversal by the courts. In the case of *Gerhardt v. Baker* ⁴⁵ the court in ordering the reinstatement of a patrolman dismissed after trial by the police commissioner said:

The respondent seeks to sustain his determination upon the ground that there is some evidence to support it. The question, however, is not merely whether there was any competent proof of the facts necessary to authorize the determination, but also whether, upon all the evidence, there was such a preponderance of proof against the existence of such facts that the verdict of a jury affirming the existence thereof would be set aside as contrary to the evidence.

Again in the case of *People v. Partridge* ⁴⁶ the appellate division in reinstating a police sergeant charged with and convicted by the police commissioner for having received a sum of money for accepting a bondsman as surety for a prisoner's appearance in court said:

On the ground therefore that a careful review of the record leads to the conclusion that the commissioner's finding, dismissing the relator was contrary to the weight of the evidence, we think that the writ should be sustained . . . and the relator reinstated . . .

⁴⁴ New York Code of Civil Procedure, Sec. 2140.

⁴⁵ 144 Appellate Division 450 (N. Y.).

⁴⁶ 95 App. Div. 323.

When, however, the police commissioner dismisses a member of the force for a breach of discipline upon sufficient evidence the court will not interfere merely because it may think the punishment inflicted too severe in view of the existence of extenuating circumstances. The exercise of discretion by the police commissioners as to the extent of the punishment is not considered reviewable.⁴⁷

This question of the review by the courts of the decisions of the police commissioner in disciplinary cases has been vigorously attacked and upheld.⁴⁸ It has been held subversive to discipline in the police department by some, and considered a necessary protection to members of the force against arbitrary and unjustified removals, by others. Opponents of court review argue that the system has worked badly; that it has destroyed the power of the police commissioner; that it has made him timid in dealing with subordinates because of the fear of having his decisions reversed by the courts; that it has made the men reinstated by the courts almost impossible to discipline; and finally that such men have undermined the morale of the whole force.⁴⁹

On the other hand the Report of the Special Committee of

⁴⁷ *The People ex rel. McAleer v. French et al., Police Commissioners*, 119 N. Y. 502 (1890); also the *People ex rel. Masterson v. French et al., Police Commissioners*, 110 N. Y. 494 (1888).

⁴⁸ See Papers and Proceedings of the Committee of Nine on the Police Problem of the City of N. Y. 1905, *passim*; also Report.

⁴⁹ See address by G. L. Rives at Chamber of Commerce Meeting of Committee of Nine, January 30, 1905, in Papers and Proceedings, pp. 12-15; also testimony of Hon. Thomas Sturgis, Former Fire Commissioner, *ibid.*, pp. 25-43.

the Board of Aldermen (1912) defended court review as follows :

The right to a court review is a protection to honest members of the force. Any policeman who fearlessly performs his duty necessarily makes enemies who are only too willing to injure him. If the Commissioner were vested with arbitrary power of dismissal, injustice would more likely result than under the present system which requires sworn testimony in support of charges. The arguments usually advanced against the preservation of this substantial right have less force when it is realized that reinstatements by the courts have been so few.⁵⁰

The Aldermanic Committee found that in the previous fourteen years 683 dismissed policemen had sought reinstatement through the courts. Of these cases only forty-six were decided adversely to the police department. In twenty-six the dismissals were held contrary to the weight of the evidence and in twenty the decisions of the commissioner were reversed on the ground of serious irregularities in the trial procedure.⁵¹ During the years 1914-1917 there were 126 dismissals after trial and in only three cases were the persons dismissed reinstated by the courts.⁵²

The Probation System.

During these same years the so-called probation system of punishment was placed in operation. The charter was amended so as to allow the police commissioner,

⁵⁰ Pp. 35-36.

⁵¹ P. 35.

⁵² New York Police Report, 1914-1917, p. 20.

upon having found a member of the force guilty of the charges preferred against him, either upon his plea of guilty or after trial, in his discretion to suspend judgment and place the member of the force so found guilty upon probation for a period not exceeding one year; and to impose punishment at any time during such period.⁵³

If the person conducts himself properly during the period he is on probation the only punishment inflicted is a reprimand. If, however, further misconduct is proved he is punished on both complaints. Under this system 2,488 men were placed on probation up to December, 1917, and of these only 230 violated their probation. The commissioner's report claims that the system has worked exceedingly well.⁵⁴

Upon the establishment of the "merit system" described above minor derelictions of members of the force were punished by demerit marks instead of by other forms of punishment after trial.⁵⁵

In addition to the safeguards provided the policemen by the requirement of a trial before the commissioner and a review of the findings of the commissioner by the courts, another safeguard is provided by the charter which allows the commissioner upon written application to the mayor by the aggrieved policeman, to rehear the charges, providing the mayor gives his consent to such rehearing. If upon such rehearing the commissioner determines that the member has been illegally dismissed or reduced in rank he may reverse

⁵³ Sec. 302 as amended 1915.

⁵⁴ New York Police Report, 1914-1917, p. 19.

⁵⁵ *Ibid.*, p. 19.

the decision and reinstate him.⁵⁶ This charter provision, of course, enables the mayor and the police commissioner to reverse the decisions of previous commissioners and the courts, and in the words of the Aldermanic Committee, "opens the door to personal importunity and political expediency."⁵⁷

The New York City system of removal has been explained as an extreme example of the tendency to safeguard the tenure of police officers. The broad authority given to the courts to substitute their decisions for those of the administrative head of the police department, especially in determining the sufficiency of the evidence, has undoubtedly tended to weaken the discipline of the department and has added to the difficulties of the commissioner. The late Mayor Mitchel in advocating an amendment to the city charter to make the decisions of the police commissioner final said:

I am firmly convinced that if the power of absolute removal be given to the police commissioner, we can really crush and end the so-called "system" in the department. I am firmly convinced that until this power is given we cannot wholly crush and end the "system" in the department. The issue is very simple, therefore. Will the legislature give us these enlarged powers and allow the city to settle for itself its police problem; break its police "system"; get control of the force; and make it an efficient and responsive engine of city government to do the will and service of the people of this city? Or will we

⁵⁶ Sec. 1543a.

⁵⁷ See Report, pp. 36-37, for an example of the workings of this system.

continue the conditions that exist to-day, and leave the "system," at least in its roots, undisturbed in the department?⁵⁸

Some sort of appeal from the determination of the head of the police department is widely favored. Dr. Fuld urges that the administrative appeal is preferable to the judicial appeal because it is less likely to injure the efficiency of the administration. He would allow such an appeal from the decision of the trial officer to the full board of police, or the commissioner, or from the commissioner to the mayor or the civil service commission. He thinks that under such a system the courts would gradually narrow the extended jurisdiction they now exercise and would confine their review to questions of law.⁵⁹

Of the several methods of making removals in the police department, that which vests final power in the head of the department seems the most desirable. Policemen, however, should be given a public hearing on written charges. They should have the right of counsel and the right to subpoena and enforce the attendance of witnesses. The right to appeal to the chief executive of the city is not inconsistent with the proper maintenance of discipline. But this is as far as it is wise to go. To allow an appeal for review to the courts seems to encourage insubordination not to be tolerated in police departments. This is particularly true where the courts pass upon matters of fact as well as upon the legality

⁵⁸ Pamphlet, published by the City Club, 1914, *Mayor Mitchel's Police Bills*, p. 5.

⁵⁹ See Fuld, *Police Administration*, Ch. 6, Secs. 1-2.

of the trial procedure. Even though only a small percentage of those dismissed may be returned by the courts, the effect upon discipline is harmful. Just as the larger cities are untying the mayor's hands by giving him authority to remove the heads of the departments, so the administrative head of the police department should have the power to dismiss inefficient and insubordinate policemen. Power must be centered in the executive before he can be held responsible.

CHAPTER IV

TRAINING OF POLICEMEN

The Need for Special Training.

ONLY in recent years has it come to be recognized that something more than a police manual, a uniform, a club, a revolver, and a fair degree of brute strength is needed to transform a recruit into an efficient policeman. Heads of police departments have too often been appointed for political considerations and have acted on the principle that party loyalty constituted the highest qualification required for the appointment of subordinates. Tenure of office, dependent largely upon party success, was apt to be brief and therefore stimulated the use of every opportunity for gain. This produced collusion with criminals and police corruption that mar the police records of many American cities. As aptly put by a prominent chief of police, "This was the era of incivility, ignorance, brutality and graft."¹

Conditions were immensely improved by the introduction of civil service reform with its emphasis upon minimum physical and educational standards and its greater permanence of tenure. It has tended to eliminate favoritism

¹ See article by Chief Vollmer of Berkeley, Cal. in *Jour. Criminal Law and Criminology*, Vol. 7: 877.

in making appointments and has induced a superior grade of men to enter the police service.

But the adoption of civil service regulations constitutes only a preliminary step in the production of an adequately trained police personnel. All that may reasonably be asked of civil service commissions is that they certify to appointing officers the names of men who have the mental and physical faculties which warrant the belief that they may become efficient policemen. The actual training for police service must come after preliminary appointments have been made and rests with the police department itself.

To provide this needed training a few cities have recently established police training schools, some of which prescribe definite courses of study while others though bearing the name of training school, in reality offer very little in the way of effective instruction. But the great majority of cities make no pretense of having such schools. Here the only training policemen receive comes to them while they are engaged in the performance of police duty. For example, in some cases the police recruit is given a book of rules and regulations and assigned to duty, perhaps even without a patrol sergeant to instruct him. He must learn his duties as best he can. Again, he is assigned to patrol with an experienced policeman for a short period of time and is given casual advice by his captain or the chief of police. Thus for the most part the average American city depends almost entirely for the training of its police recruits upon such casual instruction as older officials may be able and willing

to give; the new policeman learns chiefly in the school of experience, which has failed to give him the specialized training he needs.

It is because of the realization that the modern policeman needs specialized training that a number of cities have established police training schools. Those of Berkeley, California; Detroit, Philadelphia, and New York City may be considered among the most progressive.

Police Training School of Berkeley.

The school for police recently established in Berkeley, a city with a population of about 65,000, represents an ambitious attempt to provide for scientific police training. Its establishment is the result of the enterprise and intelligence of the city's chief of police who, in his thirteen years of service in that capacity, has become one of the foremost authorities on police methods and criminology in the United States. It is his belief that "those authorized and empowered to enforce the laws, rules and regulations which are intended for the better protection of the public, should have some knowledge of the fundamental principles underlying human action, more especially those actions which are commonly designated as criminal or contrary to law and order."²

For a number of years the police department of Berkeley gave courses of instruction in police methods and procedure, on the Bertillon system of measurements, and on finger

² *Jour. Criminal Law and Criminology*, Vol. 7: 877-879.

prints. Moreover, specialists gave lectures on criminology, psychiatry, and related subjects. But this instruction was deemed too fragmentary, and a regular school for police was established.

The school is under the management of an advisory board consisting of the mayor, the president of the board of health, the president of the board of education, the members of the city council, a director, a dean and a faculty of specialists. The chief of police acts as director.

The curriculum as planned covers three years of work. The class meets one hour daily throughout the year and pursues but one subject at a time. Attendance is obligatory and frequent tests and examinations indicate the progress made.

The following courses are offered: *first year* — physics; chemistry; biology, physiology and anatomy; criminology, anthropology and heredity; toxicology; *second year* — criminological psychology; psychiatry; criminology, theoretical and applied; police organization and administration; police methods and procedure; *third year* — microbiology and parasitology; police microanalysis; public health; first aid; elementary and criminal law.³

Police Training School of Detroit.

Until a few years ago the city of Detroit did not offer any special training for policemen. Superintendent Rutledge, formerly in charge of the Training School, writes, "It was

³ *Jour. Criminal Law and Criminology*, Nov. 1918, pp. 319-22.

the custom of men entering the ranks of the police to have placed in their hands a revolver, a club, a pair of handcuffs and with the badge of authority pinned upon their breasts they sallied forth to fulfill their oath of office 'to enforce the law.'"⁴ The instruction they did receive consisted of casual advice relative to rules and regulations from the superior officers of the force and such instruction as they might secure from older patrolmen with whom they were assigned for a few nights after their appointment.

To remedy this situation a police training school was established in 1911. At present the policeman must first pass creditably an examination before a board of examiners to show that he has the mental, physical and moral qualifications necessary to perform his duties efficiently. After appointment he is assigned to the police training school for a month's intensive training. He is then placed on probation for a period of five months.

The subjects emphasized in the Training School are: geography of the city; elementary principles of law; the more important city ordinances relative to traffic, street and sidewalk obstructions; nuisances; first aid to sick and injured; proper discipline and deportment; proper procedure in making arrests; classification of crimes; essential points necessary to constitute certain offenses; securing and presenting evidence; court procedure; the making of various kinds of reports; the care and use of firearms; "American-

⁴ Annual Report, Detroit Police Department, 1917, p. 91.

ized jiu jitsu"; humane handling of criminals; and gymnastic and military drills.

The school is under the direction of the chief inspector. Instruction is given by means of lectures, recitations and demonstrations.⁵

Police Training School of Philadelphia.

The Philadelphia training school for police was established in July, 1913. A lieutenant of police was made senior instructor and two other members of the force were assigned as assistants. Each man newly appointed to the police bureau is given a four weeks' course of instruction — not four weeks in succession, however. After the first week at school the recruit is assigned to regular duties for three weeks after which he returns to school for another week and so on until he has completed the course. This allows for four classes per month. Each class is composed of men selected from the various subdivisions of the city so as not to interfere unduly with the regular police duties of the bureau.

The patrolman's manual serves as a textbook. Home study is encouraged. Special attention is given to report writing, and the solution of hypothetical police problems involving laws, ordinances and police rules and regulations.

The school gives instruction in the following subjects: rules and regulations of the bureau; general duties of patrolmen; compiling of reports; laws and ordinances; location of

⁵ See 1917 Report of Detroit Police Department, pp. 91-99, for work of Training School.

hospitals, institutions, etc.; geographical Philadelphia; physical culture exercises; military drill; revolver practice.

In addition to the regular lectures on the above subjects, special demonstrations and lectures are given by officials of the United States Secret Service, on counterfeiting, counterfeiters and their methods. The chief surgeon and his assistants give instruction in first aid, and the physical instructor in "jiu jitsu."

Students are required to pass a preliminary examination at the end of each week's schooling and a final examination at the conclusion of the four weeks' term. Those who maintain an average of 70 per cent. are given a certificate of graduation. Those who fail to do so are required to attend school during their off duty periods until they succeed in passing the course. Older men as well as recruits are sent to school for specialized study.⁶

Police Training School of New York.

The New York Training School has been in operation for many years, but its present plan of instruction and curriculum are largely the result of the encouragement of Commissioners Bingham and Woods.⁷ The School for Detectives was established by Commissioner Waldo in 1911

⁶ See Annual Reports of Philadelphia Bureau of Police; also Address, James Robinson, Superintendent of Police, before Twenty-third Annual Convention of International Association of Chiefs of Police at Newark, N. J., June, 1916.

⁷ See Report of Special Committee of Board of Aldermen to Investigate Police Dept., 1912-1913, p. 4445.

to acquaint the detective force with the methods of identification by means of finger prints.

Originally the school was for the training of recruits only, but the conception of its function has been greatly broadened. Not only has the course for recruits been lengthened from one month to two months but special courses for the various grades of officers, classes for traffic duty, mounted duty, motorcycle duty, and special classes for those expecting to take promotional examinations, have also been organized and have greatly improved the character of the police service.

The general course for recruits now covers the following subjects: department, patrol, observation, crime classification, arrests, traffic, automobile identification, animals, fires, accidents, first aid, sanitary code, public nuisance, coöperation with other departments, general ordinances, disorderly conduct, felonies, misdemeanors, assaults and weapons, homicide, robbery and larceny, burglary, children, court procedure, public morals, report making, election law, malicious mischief, sabbath law, rules and regulations, laws and ordinances, and usages and customs of the department.⁸

Recruits are taken to various courts to observe the methods of presenting evidence and to become familiar with court procedure. There are lectures on special subjects such as parades, gatherings, accidents and sanitary conditions.⁹

Because of the importance of physical training, instruc-

⁸ See Report of Police Department, New York City, 1916, p. XI.

⁹ *Ibid.*

tion is given in setting up exercises, drills, boxing and wrestling, ladder scaling, swimming, etc., and recruits are taken on long walks to prepare them for patrol duty. Training in the care and use of the revolver has been most valuable and has been made doubly interesting through the organization of competing revolver teams.

In the classes for motorcycle men instruction is given in the mechanics of the machine as well as in riding and handling motorcycles. No men are assigned to traffic duty except those who are qualified in height and have satisfactorily passed the two weeks' course for traffic officers in the Training School. This course covers the laws, ordinances, and rules relating to traffic and the most improved methods of signaling.

The course for detectives formerly given in the New York school covered 164 hours of work and consisted of lectures and the study of actual cases. The purpose was to make the work as practical as possible.¹⁰

¹⁰ Statement by Inspector Faurot commanding detective bureau, in *Jour. of Criminal Law and Criminology*, Vol. 7: 624. The schedule of work was as follows:

	Hours
Qualities of a detective	1
Reports	2
Laws and arrest	9
Pistol practice and handling firearms	6
Pickpockets (4 lectures and 13-1/2 hrs. on street)	17-1/2
Loft and safe burglars, trailing and disposition of stolen property (3 lectures, 13-1/2 hrs. on street)	16-1/2
Observation (6 lectures, and 9-1/2 hrs. on street)	15-1/2
Flat burglars (2 lectures and 9-1/2 hrs. on street)	11-1/2
Receivers and pawnshops (2 lectures and 9-1/2 hrs. on street) ..	11-1/2
Automobile identification (2 lectures and 4 hrs. on street)	6

In 1917 the police department made arrangements with the Law Faculty of Columbia University for a course in criminal law for policemen. The men themselves paid for the course; the department gave them the time to attend. The subjects included criminal law, criminal procedure, municipal government, and criminology and evidence. One hundred and fifty-seven policemen completed the course.¹¹

The experience of those cities which have established police training schools demonstrates the success of the experiment. Not only do these schools prepare recruits for better service but they serve as a clearing house of information for the entire personnel of the force so that the specialized knowledge of a few becomes available to all. The fact that these training schools are annually visited by police officials from numerous cities is an indication of the interest they attract. It is probable that the next few years will see the establishment of many such schools in the United States.¹²

Wagon thieves (2 lectures and 4 hrs. on street)	6
Evidence and court procedure (4 lectures and 7 hrs. in courts) ..	11
Swindlers (3 lectures and 9-1/2 hrs. on street)	12-1/2
Unusual cases	3
Identification of dead bodies (2 lectures and 3 hrs. in morgue) ..	5
Homicide	5
Methods of identification	3
Lineup	21
Examination	3
Police commissioner	1
Closing	2

¹¹ For a review of the work of the Training School see New York Police Report, 1914-1917, pp. 24-28.

¹² Los Angeles has recently started a Police Training School.

Probably one of the most decisive reasons for the progress of the training school idea is the change that is noticeable in the conception of the functions of police service. The old idea emphasized mainly repressive methods but the newer conception lays emphasis also upon the policeman as a factor in carrying out the social service program of the municipality. For this, adequate training is essential. Crime prevention is now considered more valuable than the mere apprehension of criminals. The former requires many qualities which the old-fashioned police officer does not possess and the latter has become a scientific problem largely because of the high degree of specialization in criminal methods now found among professional lawbreakers. The police training school is the best means for giving police officers the required scientific training.

What Cities Can Do.

In most of the smaller cities it is probably impracticable to establish regular training schools because of the small number of policemen. What may be accomplished, however, in such cities is indicated by the excellent work done at the Police Training School of Berkeley, California, with a police force of only 28 men. But even in cities which cannot maintain training schools, the responsibilities of policemen for adequate police protection are in no way diminished, and some sort of training is indispensable since the small city has police problems comparable to those of the larger city, though their extent may be more restricted.

Even where no special police schools can be established, provision should be made for training the members of the force. If there is no superior officer with adequate preparation to conduct such training, one should be sent for a course to one of the well-established training schools. Coming in contact with officers and methods in these cities will serve to stimulate interest in good police work and to broaden the outlook of the officer in a manner conducive to better service at home.

The officer after receiving such training should give instruction to all the members of the force. Copies of the criminal statutes, ordinances and rules of the department should be in the hands of the force for study, and examinations based upon them, held from time to time. Lectures by representatives of other city departments serve to broaden the outlook of the policeman and make possible closer cooperation between the various city services.

The Subjects that Should be Taught.

In the larger cities police training schools should be established not only for the instruction of recruits but also for the instruction of all members of the force. An experienced and capable instructor should be in charge of the school and should be assisted by as many junior instructors as necessary. The school should be used to determine the fitness of recruits for police duty as well as for the general instruction of the force. The course ought to provide continuous instruction for at least one month. The New York

School now offers a two months' course. The subjects should include the following:

- Field work
- First aid to the injured
- English and report writing
- Ethics in conduct
- Practical civics
- Sharpening powers of observation
- Possibilities for social service work by policemen
- Powers and duties of a policeman
- Rules and regulations of the department
- General laws of the state and ordinances of the city
- Pistol practice and the care of the pistol
- Humane handling of prisoners
- Criminal identification methods
- Rules of evidence
- Court procedure

It is desirable that during the school term the recruit be given field experience by assignment to duties in different sections of the city with selected policemen. Upon these assignments he should be required to make written reports for each of which a rating should be given. This method has the advantage of combining practical and theoretical instruction. In classes for older men the reports they have already sent in while on regular duty may be examined and the errors pointed out.

Generally speaking, the work of the detective branches of American police forces is more inefficient than that of other divisions of the force. This is due to the nature of the work they are assigned to do. Many criminals nowadays are

highly skilled scientific experts in their lines and it requires corresponding scientific expertness to defeat their purposes. Hence the need for training in detective work.

While it is important for the policeman to know how to apprehend a criminal, it is equally important that he should know what evidence is necessary to convict him, how best to secure that evidence, how to prepare and present his case in court, how to secure a confession so as to have it admitted as evidence and how to make memoranda at the time of arrest which will be admissible as evidence. To do this requires training such as a good training school can best supply. Because of the part frequently played by uniformed patrolmen in the apprehension of criminals they also should receive training in criminology and methods of identification so that they may not through blunders either fail to catch the criminal or make his conviction impossible. Every member of the force should be instructed in the elements of detective work.

In connection with the study of evidence and court procedure, use should be made of the opportunity to witness the trial of actual cases. This may be supplemented by conducting moot courts.

In order to reduce the expenses of the training school as well as to bring about more intelligent coöperation between the police and other officials it is desirable that the latter be requested to give lectures on subjects with which they are particularly familiar. Thus, the police surgeon should give lectures on first aid; the prosecuting attorney

on court procedure and the rules of evidence; the Bertillon operator and finger print expert on methods of criminal identification; traffic officers on traffic; a member of the health department upon health and sanitary ordinances; and the city law officer on ordinances and their enforcement.

Courses should be closed by written and oral examinations, the results of which should be reported and used in the determination of efficiency ratings. This procedure enables the head of the department to act more intelligently in making appointments and promotions.

CHAPTER V

GENERAL PATROL SERVICE

THE two main divisions of the police force are the uniformed patrolmen and the detectives. The uniformed force is employed mainly in general crime prevention work. This arm of the service renders aid in cases involving peril to life, such as accidents in public places, runaways, drownings, and establishes fire lines in case of dangerous fires. The uniformed force is essentially an observing, protecting and reporting agency, while the detective division is essentially a secret service for ferreting out crime and for keeping the city as free as possible from the criminal elements.

Patrol Service.

The principal functions of the uniformed force are patrolling the streets and regulating street traffic. This general protective work may be said to constitute the foundation of all police service, and in it are engaged the greater portion of the force. Thus, in 1915, out of 51,042, the total number of employees in all the police departments of the cities of the United States with a population of over 30,000, 34,320 or more than 67 per cent. were employed as patrolmen. These figures do not include officers employed

in supervising the patrol force.¹ In most cities there is continuous patrol of the streets. It is true that in some cases there are short intervals between tours during which this element of protection is lacking, but this practice is gradually being eliminated on account of the encouragement it affords to crime and disorder.

Precincts.

For the purpose of better supervising and controlling the patrol force the larger cities have been divided territorially into districts or precincts directly under the supervision of superior officers. The U. S. Bureau of Census reports that 59 of the 204 cities of over 30,000 were thus divided in 1915. Some cities have both districts and precincts. Thus in New York City there are 17 inspection districts, each directly in charge of an inspector of police, and these 17 districts are subdivided into 93 precincts each in charge of a captain. Chicago, St. Louis, Cleveland and Pittsburgh distribute their forces in a similar manner.² This system of precincts and districts has, however, not been found necessary in the smaller cities as is evidenced by the fact that 145 of the 204 cities mentioned reported no such division, the whole force reporting directly to police headquarters.³

The chief purpose in establishing precinct stations is the physical distribution of the men. Their number depends upon the geographical layout of the city and on the means

¹ U. S. Census Bureau, *General Statistics of Cities*, 1915, p. 60.

² *Ibid.*, p. 32.

³ *Ibid.*

employed for sending out the men. Where automobiles or motorcycles are used extensively, there is naturally less need for substations.

Patrol Posts.

In all cities the unit of police service is the patrol beat or post which consists of a certain territory over which a patrolman walks back and forth during his tour of duty. The patrolman must know his beat thoroughly, must see that peace and order are maintained and apprehend such persons as may violate the law. Most patrol regulations stipulate the manner of patrol and the route to be followed in covering the beat. They also generally provide against loitering, lounging, walking or talking with associates or civilians except on police business. If such conversation does not demand the immediate personal attention of the patrolman he must refer the person to the house sergeant on duty. When on night duty he must try every gate, door, area way, grating or other entrance of every business place or office building on his beat.

Obviously the distribution of the force and the character of patrol posts will vary according to the character of the community. It is clear that the densely populated districts demand a different kind of patrol service from that necessary in the sparsely settled districts. It is equally evident that the different residential parts of a city may require a different service from that needed in the business districts. In the City of New York there are districts as

densely populated as any streets in the world and others that are rural in character. In the former the posts are necessarily short; in the latter they may cover large areas.

Types.

Police posts in general are of two types: (1) the "square" or "circular" type, and (2) the straightaway type. The former is one covering a certain area measured by city blocks. Such posts are difficult to patrol efficiently because of the inability of the patrolman even though patrolling diligently to see more than a small portion of his beat from any one place. Obviously while the patrolman is walking along one street he cannot see what is going on in those parallel. The so-called circular post is objectionable also from an administrative point of view because it needlessly increases the difficulty of locating the patrolman. It also renders ineffectual the employment of supervisory methods by the flashlight call system and makes it difficult for the citizen in need of a policeman to locate one.

For these reasons many students of police problems prefer the straightaway plan of laying out patrol posts. In this type of post the center line of patrol is made as nearly straight as possible. The patrol route extends along a street or avenue for a certain number of blocks depending upon the character of the locality and includes half blocks on the intersecting streets. The policeman patrolling diligently can more readily be found on such a post either by his superior officer or by a citizen. This arrangement gives the

patrolman a continuous view of a large part of his beat and offers an opportunity for making a rapid inspection of each intersecting street as he passes along.

A third type of police post is the so-called fixed-post. Some years ago a number of fixed night posts were introduced in the busiest sections of New York City. This system makes it easy to locate a policeman and thus solves one of the most difficult of police problems, but it requires so many men that whenever it is introduced the transfers required to man the posts tend to rob other sections of the city of their due share of police protection unless the force be greatly enlarged. Under the fixed-post system the men stationed at short intervals alternate with those on regular patrol. During the year 1914 a survey of the assignment and distribution of the uniformed force of the City of New York disclosed the fact that the development of the fixed-post system had brought about a faulty distribution of the force and the number of such posts was greatly decreased so as to provide adequate protection for outlying districts.⁴

Patrol Booth Posts.

The outlying residential districts and sparsely settled portions of a city require a different kind of post from that used elsewhere. In such districts no system of mere patrol is adequate. Obviously in such precincts any beat would have to be exceedingly long or the cost would be more than

⁴ See 1914 Report of Police Department; also Bruère, *New York City's Administrative Progress*, 1914-1916, p. 23.

the city could afford to pay. The chief need here is an arrangement by which a policeman may be called quickly in case of need, and it is precisely that which a patrol system fails to provide. As a remedy some cities have established what is known as the patrol booth post. These booths are centrally located in outlying districts. A policeman equipped with a bicycle, motorcycle or automobile is assigned to each. Each booth is equipped with a telephone to accommodate the public and is connected with the department signal alarm system. Between the booths a motorcycle policeman patrols at night making observations and watching for fires. This procedure requires that the patrolmen assigned to this duty patrol in relays, there always being one policeman on patrol and a man at each of the booths. By having the policeman on patrol instructed to remain at any booth in which he finds that the policeman detailed is not present, two objects are served. First, it provides for having a policeman always available, and second, it prevents the efficiency of the booth system from being interfered with by criminals who might send the regular policeman on false errands. Where such a telephone booth system is introduced foot and mounted patrol is abandoned. New York City has found this system very well adapted to the needs of suburban districts. By means of it the time necessary for a patrolman to reach certain points has been reduced from forty-five minutes to from six to eight minutes.⁵

⁵ New York Police Report, 1914-1917, p. 43; also Bruère, *New York City's Administrative Progress*, 1916, p. 24.

In the past too little attention has been given to the consideration of the peculiar needs of the several districts in cities. The commonly accepted system of patrol has frequently been extended with little or no changes from the business to residential and suburban districts with a resulting ill-advised distribution of the force.

It is obvious that much of the effectiveness of a city's patrol service depends upon the distribution of patrol posts. This distribution should be made scientifically, but comparatively few cities have maintained their records in such a manner that they provide the requisite information upon the basis of which patrol posts can be properly arranged.

Information Required for Laying Out Posts.

Before a city can be divided into patrol districts or posts on a scientific basis, the chief of police or the officer who has authority to make such an apportionment must have more than a general idea relative to the needs of various localities. Among the essential data that should be secured for each city block are: the character of the buildings and the purposes for which they are used; location of fires and fire hazards; location and kind of accident hazards; extent and character of vehicular traffic; distribution of population together with density and nationality; and the burglary hazard. Moreover, this information must be kept up to date, since a block needing one kind of patrol at present may under rapidly changing conditions require a different kind of treatment in the near future. Changing conditions must be

met by changed police methods if satisfactory service is to be maintained.

When police authorities have before them this information covering every city block they can with some degree of accuracy determine how best to distribute the men at their disposal and also the sort of patrol system best adapted to the several districts. Without such or similar information the apportionment of posts must necessarily rest upon mere guesswork.

A subject intimately bound up with the apportionment of patrol posts to meet the requirements of different localities is that relating to the method of patrolling the posts. The patrolman may pace his beat on foot or he may be mounted on horseback, on a motorcycle or on a bicycle. And recently one city at least has required all patrolmen to cover their beats by automobile.⁶

Foot Patrol.

The great majority of policemen patrol on foot. During 1915 in those cities of the United States with a population of over 30,000, ninety-one per cent. of the police patrolmen covered their posts on foot. The policeman patrolling on foot has greater opportunities of studying his post and of becoming acquainted intimately with its peculiar needs than has the man who is burdened with a horse or a bicycle. He cannot cover quite as much ground in the same time, but he can cover it more thoroughly.

⁶ Berkeley, Cal.

When regular patrol service was first established it was customary to assign men to patrol in pairs. This policy was followed because it was deemed unsafe for one policeman to patrol alone. As the discipline of the force improved, however, this system of patrol was gradually abandoned. It is not only wasteful but it also promotes inefficiency in that it divides responsibility.

Mounted Patrol.

The next most common method is patrol on horseback. In 1915 there were 1804 patrolmen on horseback in the cities of the United States. Nearly one-half of them were, however, found in the cities of New York, Chicago and Philadelphia.⁷

Aside from the great value of patrolmen mounted on horses for certain kinds of traffic regulation and in handling street riots, large crowds and parades this method of patrol has proved inefficient. It is, moreover, exceedingly expensive. A considerable number of cities, however, still retain it for patrolling outlying districts where posts are necessarily long. They can cover somewhat larger areas than can foot patrolmen, but since a horse cannot complete an ordinary tour of eight hours without tiring the territory covered is after all not much greater than that which a man on foot can cover. Moreover, the mounted policeman is more readily observed, and when the streets are paved the clatter of his horse's hoofs gives ample warning of his ap-

⁷ U. S. Census Bureau, *General Statistics of Cities* (1915), p. 60.

proach. Oftentimes a horse causes more trouble than help, and at all times its care occupies a considerable share of the rider's attention. Except for the specialized services mentioned above, and under conditions such as the absence of paved streets and sidewalks, this kind of patrol has proved the least efficient as well as the most expensive and should therefore be eliminated as far as possible.⁸

Bicycle and Motorcycle Patrol.

For patrol in residential sections, New York City and Detroit have found the bicycle and the motorcycle very useful particularly when used in connection with police patrol booths. It cannot, however, be too strongly emphasized that each situation should be studied carefully and such system inaugurated as seems likely to give the best results. No one system can be advocated as the best possible. The following quotation from Commissioner Woods' report emphasizes this fact. Speaking of the need of adjusting the patrol services to the peculiar needs of the locality he says:

I remember the prolonged study made by Chief Inspector Schmittberger, an expert in these matters, of a precinct in the upper part of Manhattan. The resulting method of patrol that he recommended, after he and I together had spent hours on the ground looking it over and discussing different points, was a combination of foot, bicycle, motorcycle and cavalry patrol, with two substation booths, and a careful rearrangement of posts so as to make sure that patrolmen visited frequently the most remote parts of the precinct. Up-to-date patrolling, there-

⁸ See New York Police Report, 1914-1917, p. 43; also Report for 1915, p. XVI.

fore, consists in the alert, intelligent, covering of posts by thoroughly educated and competently supervised patrolmen, on plans that have been worked out by experts to meet the particular needs of each separate neighborhood.⁹

Automobile Patrol.

A novel system of patrol has been inaugurated by Chief Vollmer in Berkeley, California, from whose police department so many progressive ideas have come during recent years. Every member of the force is required to own a gasoline driven automobile and to operate it in the course of his daily work. The men are assigned to regular posts but cover them differently every day. The policeman's automobile is equipped with policeman's implements, ropes and hooks to be of aid to the fire department and to help stalled teams and motor vehicles. For the purchase and upkeep of the automobiles the city allows each policeman \$27.50 in addition to his monthly salary and furnishes gasoline and oil besides. An ingenious signal system enables the members of the force in a few minutes' time to surround any block from which trouble is reported at any time of the day. This radical departure from the ordinary methods of patrol indicates that in some cities at least, new methods are being tried and attempts are being made to lift police service to a higher state of efficiency. Reports indicate that the system in use is giving entire satisfaction.¹⁰

⁹ New York Police Report, 1914-1917, p. 44.

¹⁰ See *Jour. Crim. Law and Criminology*, Nov. 1918, pp. 319-322.

Platoon Systems.

A question that has perplexed police authorities and one which requires a careful weighing of the interests of the city and of the men on the police force is the proper distribution of the force during the twenty-four hours of the day. Police duty is continuous; consequently it becomes necessary to divide the force into shifts or platoons.

The interests of the city require ample police protection all hours of the day; and such protection depends not only upon having a sufficiently large number of policemen on active duty, but also upon having an ample reserve force for emergencies. On the other hand policemen have a right to expect a reasonable amount of time off and an arrangement of such time that it will not come in short and broken periods.

In the cities of the United States there is no uniform system of platoons. Almost every conceivable arrangement of hours may be found in different cities.¹¹ These variations are, however, generally modifications of the two and the three platoon systems.

Under the two platoon system the members of the force are divided into two groups of two sections each. One-fourth of the force is on patrol duty during the day, one-half during the night and one-fourth is on reserve at most hours. The system provides adequate police protection for the city, but it makes heavy demands upon the time of the policemen. On one day in four each man is on duty for

¹¹ See U. S. Census Bureau, *General Statistics of Cities* 1915, Table 5.

the entire twenty-four hours of the day including both patrol and reserve duty; on the other three days he is on duty six, twenty-two and twelve hours respectively. Thus in a period of twelve days each man does 108 hours patrol duty, eighty-four hours reserve duty and has ninety-six hours off duty. This gives him an average of only eight hours per day off duty while sixteen hours are given to the city in patrol or reserve duty.¹² The period of continuous patrol duty varies from two to six hours.

Because of the long hours demanded by the system described there has been considerable agitation, on the part of policemen, for the three platoon system, and in many cities they have succeeded in securing its adoption. It is the plan now in use in such cities as Chicago, Philadelphia, St. Louis, Boston and in many others.

Under the three platoon system the force is divided into three platoons each composed of three sections. No man patrols over eight hours a day. One-third of the force is on patrol at all hours and one-ninth is always on reserve. In a period of twelve days under this plan the men do ninety-six hours patrol duty, thirty-two hours reserve duty and have 160 hours off. Obviously from the point of view of the men the advantage lies in the fact that they have less reserve duty and hence more hours of freedom. Thus two days out of every three each man gets sixteen hours off. The first platoon goes on duty at 8 A. M. and patrols until 4

¹² See Papers and Proc. of Comm. on Police Problems, New York City, pp. 406 ff.

P. M. when the men go off duty. After four hours the first section of the platoon returns for eight hours reserve duty — that is, from 8 P. M. to 4 A. M. From that time until 8 A. M. the whole platoon is free. At 8 A. M. they all return for patrol duty till 4 P. M. On the second day the second section of the platoon does reserve duty and on the third the third section. Every two weeks the platoons shift places and thus a complete cycle is completed in six weeks.

For some time there was in operation in New York a five platoon system devised by Commissioner Bingham. This scheme, combining the desirable features of both the two and the three platoon systems, provided for twice as many men during the night tours as during the day; one-fifth of the men always on reserve; not more than six consecutive hours of patrol service; off time in periods of not less than twelve consecutive hours; and twenty-four consecutive hours off time in every five days. The plan was abolished because of its high cost, and the three platoon system reestablished.

As stated above, many variations from the typical platoon systems described are found in American cities. Many make little or no provision for reserves, others do not arrange for the rotation of patrolmen but assign permanently certain men to day and others to night service, and a score of cities have certain hours during which no patrolmen are on posts at all.

The most complete data relative to hours of patrol, rota-

tion of patrolmen, and reserve systems may be found in the 1915 report of the United States Bureau of Census.¹³ According to this report it appears that in most cities the greatest patrol strength is between 6 p. m. and midnight and that in many the night force is several times as large as the day force. Exceptions to the rule are found in Cleveland, Detroit, and Kansas City, Mo. The most common length of tour is eight hours although in some cities, such as New Orleans, Kansas City, Kansas, and Springfield, Ohio, the tours were twelve hours in length. Of the 204 cities covered, 106 reported complete rotation by tours, 73 no rotation, and 25 partial rotation. Of the fifty-three cities which reported reserves, sixteen had men detailed exclusively to reserve duty. The remaining number maintained their reserves by requiring men to do reserve duty in addition to patrol duty.

Patrol Supervision.

Of all the departments of city governments the police department has probably come in for the greatest share of hostile criticism. No doubt much of this criticism has been deserved. However, it must be remembered that the temptations placed in the way of the police force are many and alluring and that the work of patrol is exceedingly exhausting. Police service is of such a nature that it cannot be performed under the immediate eye of a superior; the men

¹³ U. S. Census Bureau, *General Statistics of Cities*, Table V, pp. 74-84.

are for the most part thrown on their own responsibility. Consequently it is universally recognized that some sort of supervision over the men is absolutely essential if the city is to receive reliable police protection. Discipline and supervision are secured through the employment of superior officers in the uniformed force. This work is aided by the use of certain mechanical devices such as telephone, telegraph and flashlight signal systems. The object of supervision of all kinds is, of course, to see that the men assigned to their beats actually perform conscientious patrol service. Supervising officers should not, however, limit themselves to this work. They should in addition, study conditions in their districts, make suggestions as to how the service can be improved and in general appraise the effectiveness of the police service.

Sergeants and Roundsmen.

The officers in immediate charge of patrolmen on beats are generally known as sergeants or roundsmen. Besides their station house duty they patrol from post to post, meet the various patrolmen as frequently as they can, observe the general condition of affairs and are required to bring charges against those policemen whom they find lacking in attention to duty.

In a word, they are responsible to their superiors for the efficiency of the patrolmen assigned to them.¹⁴ It is obvious that the morale of the patrol force depends very largely upon

¹⁴ See Rules of the New York Police Department, Rule 44.

the strictness with which discipline is enforced by the sergeants. If they are themselves neglectful of duty, if they are prone to overlook delinquencies and prefer to be known as good fellows by the men under them, it follows almost inevitably that the men will take their duties in like fashion; if on the other hand they have a high sense of duty and if they have the required administrative ability to discipline subordinates who are willfully negligent or corrupt, the men will just as naturally pay strict attention to duty.

There are a number of reasons why it is often difficult for sergeants to enforce proper discipline. Frequently the sergeant is well known personally to the men under his charge. He may have been upon terms of great intimacy with some of them while he was still in the ranks. Under such conditions it is human nature to hesitate before taking disciplinary measures, even though it is fully realized that failure to do so may work detriment to the efficiency of the force. Then again there is in most people a feeling that there is something mean in reporting some one, and this feeling is only too frequently capitalized by the lazy patrolman on post. He knows that his superior officer prefers not to bring charges against him, hence he risks slighting his duty. However, the most common cause for the lack of discipline over patrolmen by the sergeants is the fact that there is often lacking the proper attitude toward police discipline among the higher officers of the force themselves. If the chief of police and his administrative superiors do not insist on a strict enforcement of the rules in regard to

discipline their subordinate officers must follow a similar course whether they approve it or not. Probably the most common reason for this attitude upon the part of superior officers lies in the political influence of the members of the police force who constitute an important element in the carrying of elections. Where party politics is found in the management of the police force it is almost impossible to preserve proper discipline.

Where the superior officers, on the other hand, insist upon proper discipline but find difficulty in inducing sergeants and roundsmen to maintain it, various expedients have been introduced to accomplish the desired results. In some police departments special sergeants not attached to precincts but working from headquarters are employed to search out derelictions of duty. These men are sometimes in uniform and again in citizens' clothes. Naturally this method of discipline, frequently called the "shoofly" system has aroused the hostility of the force, and because it looks so much like spying, many persons are inclined to disapprove of it, even though it may tend to bring about stricter attention to duty. This system has recently been abolished in New York City by Commissioner Enright.¹⁵

¹⁵ Commissioner Enright has himself come up from the ranks. In his first report he gives expression to a sentiment common to policemen when he says: "The so-called 'Shoofly' or 'Submarine System' of secret espionage which has been the bane of every policeman's life for many years has been abolished, and the discipline of the force has been devolved upon the officers who are appointed for that purpose. Inspectors, captains, lieutenants and sergeants are held strictly accountable for the discipline of the department, and it is the duty of

The work that should be required of sergeants is clearly enough understood; but in many cities, either through a lack of the necessary personnel or through inattention to duty on the part of sergeants, patrolmen are for practical purposes left to their own devices. Under the procedure followed patrolmen report their arrival on post by telephone, and are required to report from patrol boxes at intervals; but if they are punctual in making their calls, it is taken for granted that they are efficiently patrolling their posts. No officer is there to observe them. If the policeman reports that his beat is in good condition the department assumes that his statement is correct. Even complaints affecting his own efficiency are sometimes referred to the patrolman for investigation and his report upon the complaint becomes the department record of the disposition of the complaint.¹⁶ Reporting at intervals to headquarters is, of course, necessary, but it cannot be relied upon to determine whether patrolmen are actually patrolling their posts, observing conditions, enforcing the law and performing their duties conscientiously, or whether they are asleep or indoors between calls. For that, supervising officers are essential.

Again, the number of patrol sergeants may be so small and their districts so large, that the sergeants have difficulty

the chief inspector to see that discipline is freely and rigidly enforced. The rank of sergeant was created expressly for this purpose, and it is the intention of this administration to see to it that they perform the duties of their office." *Semi-annual Report of Police Department, July, 1918, p. 15.*

¹⁶ See Report Aldermanic Committee of New York City (1912), pp. 12-15.

in covering their districts, even once during each tour of duty. This condition is frequently due to the fact that sergeants are detailed to duties other than patrol supervision.

Thus in Indianapolis in 1917 there were thirty sergeants of police but only seventeen of them were assigned to the supervision of patrol, all the others being detailed to special duties. Only one of the seventeen was supervising the day patrol which was thus practically unsupervised. The remaining number supervised the night force. The city was divided into sixteen sergeants' districts but they were so large that the sergeants could see each patrolman only once and that only through diligent effort. The result was that instead of the sergeant being able to observe conditions on the posts and to aid and advise his subordinates, he was required to travel constantly to meet the members of his command. Such supervision can scarcely be deemed effective. In that city the discipline on posts was found below standard. Loitering, conversation with citizens, spending considerable time in saloons, failure to try doors and other breaches of good discipline were of frequent occurrence. Moreover, an examination of complaints lodged against patrolmen disclosed the fact that only overt acts of a serious nature were deemed to warrant the bringing of charges. The sergeants themselves were not supervised by superior officers.¹⁷

Sergeants should be required to report the time and place of their meeting with patrolmen. If a sergeant's book

¹⁷ New York Bureau of Municipal Research, *Survey of Indianapolis* (1917), p. 179.

shows the name of a certain patrolman more often than that of others it may indicate serious dereliction in the patrolman and that he needs an extraordinary amount of supervision or, on the other hand, that he is being subjected to "pounding" by his sergeant because of a personal grievance. In either case superior officers have an opportunity to investigate and take the required steps to remedy a bad situation. If the patrolman is likewise required to keep a record of his meetings with the sergeant a check upon the accuracy of both officers is at hand.

A practice sometimes found in cities is for the sergeants to notify members of their platoons or sections, when leaving the station house for duty, to meet them at certain designated times and places. Where this custom prevails patrolmen stand about in groups for considerable periods waiting for the arrival of sergeants. This practice robs the supervision by sergeants of practically all its value. No member of the force should ever know when the visit of the sergeant is due; if he does he will, of course, appear diligent at the appointed time whatever he may be at other times.¹⁸

Police Lieutenants.

In the larger cities the officer next in rank above the sergeant is the police lieutenant. The lieutenant has charge of the police precinct in the absence of the commanding officer and is thus responsible for crime conditions within

¹⁸ For a discussion of the functions of police sergeants see New York Bureau of Municipal Research, *Survey of Richmond*, p. 224; *Survey of San Francisco*, p. 168; *Survey of Columbus*, p. 66.

this district. A typical example of the effective use of lieutenants is presented by the city of Rochester. There is one lieutenant assigned as an aid to each of the captains. The lieutenants are in command of the precincts at night and spend part of their tours of duty on patrol thus keeping watch over sergeants and patrolmen.¹⁹ The rules of the New York police department provide that lieutenants shall have general charge of the sergeants and patrolmen on their posts, shall instruct and assist them in their duties and be responsible for their general appearance, good order and discipline. When on desk duty at the station houses they are held responsible for the receipt and entry in the proper books of all orders and for bringing matters to the attention of their commanding officers. They must, in the absence of the captain, carefully inspect the platoons formed for patrol or other duty and see to it that the men are properly uniformed and equipped. When on patrol duty lieutenants must see that the sergeants and patrolmen perform their duties properly by constantly patrolling their respective precincts by aiding in the enforcement of every duty and by reporting to their commanding officers every dereliction of duty that comes to their attention.²⁰

The tendency of police departments to assign sergeants to special details is observable in the case of lieutenants also. Naturally, police officers prefer easy assignments at station houses or headquarters to patrol work, and it is only too

¹⁹ New York Bureau of Municipal Research, *Survey of Rochester*, p. 122.

²⁰ See Rule No. 43.

often the case that promotion carries with it an assignment to an easy job rather than increased duties and added responsibilities. There are police departments in which lieutenants and even captains assume practically no responsibility for crime conditions in their respective precincts but spend their entire time performing routine duties at headquarters or some special function to which they are detailed. Thus the real work of lieutenants and captains — that of supervision is devolved upon sergeants or is not performed at all.

In Indianapolis there were in 1917 eight lieutenants of police, but not one of them performed field service in supervising sergeants and patrolmen. Besides those assigned to duty at headquarters and in charge of other police duties, one was detailed as supervisor of the electrical division and one as secretary of the police department.²¹ Lieutenants should perform patrol service under the direction of captains. It is only by this means that adequate control can be exercised over sergeants and patrolmen.

Police Captains.

Next in rank above the lieutenant is the captain of police, one of the most important officers on the force. He is usually placed in command of the police precinct or district in cities large enough for such divisions. The sweeping nature of the duties of the captain is indicated by the rules of the police departments which usually provide that he will be

²¹ New York Bureau Municipal Research, *Survey of Indianapolis*, p. 178.

held responsible for the preservation of the peace and the prevention and detection of crime within his precinct; for the enforcement by himself and his subordinates of all laws, ordinances, orders, rules and regulations of the police department; and for the proper performance of police duty and the rigid maintenance of police discipline in his precinct.²² The captain is responsible for the reports from his precinct to the chief of police. Indeed, it may be said that on the whole the condition of the police precinct depends largely upon the character of the captain in command. If he is honest and efficient he will protect life and property in his precinct; if he is corrupt and inefficient he will probably make use of his opportunities for levying blackmail; for selling the privilege of breaking the law with impunity; and for demoralizing the members of the force in his command.

The rules of police departments indicate an intention of making captains responsible officers. Yet captains of police, frequently spend practically all of their time at headquarters receiving reports and complaints, directing action on complaints, attending the outgoing roll call of the patrolmen, reading the orders of the day to the men, and informing them of their assignments. They may occasionally take personal command in case of riots or large fires. The performance of these functions is certainly necessary; but in addition, captains should also assume direct personal responsibility for crime conditions within their precincts, the discipline maintained on patrol posts, and the work performed

²² See Rule No. 42, N. Y. Police Department.

by sergeants. This they can do only in case they spend a part of their time actually patrolling their precincts and seeing to it that their subordinates from lieutenants to patrolmen are actually performing the duties they are supposed to perform. Moreover, only as the result of close contact with conditions in their precincts can they secure the information upon the basis of which the police service may be improved. Just as it is necessary for sergeants to supervise patrolmen so it is necessary for the higher officers to supervise sergeants.

The Chief of Police.

The executive head of American municipal police departments is generally called the chief or superintendent of police. He is almost universally appointed and his tenure is ordinarily indefinite. There are instances where chiefs have served for twenty years, twenty-five years, and even longer, but such cases are exceptional. In some cities chiefs of police change as a matter of course with changes in the city administration so that to have half a dozen or more chiefs of police in a period of fifteen years is not at all uncommon.²³ However, the chief's ability to exercise proper control over his force depends upon his power to secure the confidence of his subordinates and it is obvious that he cannot secure that confidence and consequently cannot exercise proper discipline over them, so long as he depends for his tenure upon political influence rather than upon his ability. No chief

²³ U. S. Census Bureau, *General Statistics of Cities* (1915), p. 32.

who holds office for but a few years can secure the loyalty of his force because the policeman realizes that the loyalty he may show to his present chief may itself be the cause of his punishment by the next one.

City charters as a rule provide that the chief of police shall have general charge of the police force under the direction of the administrative head of the department. He is charged with the enforcement of all laws and ordinances, and with the maintenance of the proper discipline and efficiency of the force. Thus the charter of Rochester ²⁴ provides :

The chief of police, under the direction and control of the commissioner, has the supervision and management of the police force, and he has the power, and it is his duty to see that all rules and regulations of the commissioner of public safety relating to the police force are enforced and carried out ; to commit any person charged with a criminal offense until an examination is had before the proper magistrate ; to administer oaths and take affidavits in respect to all matters pertaining to his official duties or relating to the police force ; and to perform such other duties as may be prescribed by law, the commissioner of public safety, or by ordinance of the common council.

As executive head of the police force the chief directs and supervises its activities. Obviously he can do this only if he has constantly at hand complete and accurate information relative to the crime conditions of the city and the successes and failures of the members of the force in meeting these

²⁴ Section 321 ; see also Charter of Cleveland, Sec. 163.

conditions. In a very small police department the chief may have considerable personal knowledge of actual conditions. But as the size of the force increases it becomes correspondingly necessary for the chief to depend upon his subordinate officers for information which he cannot secure first hand. Now the only way this information can be brought to the chief is through a series of reports which portray the work of the department from day to day. Indeed it may be said that the system of reports constitutes the most important single control factor, and that on the efficiency of its operation depends to a considerable degree the effectiveness with which the chief can supervise his subordinates. Yet it is precisely in this matter of providing adequate reports that police departments as a rule are most inefficient.

The Need of Records.

Every police department should establish a system of records that provides for a complete, comprehensive, consolidated report which will reach the chief's desk each morning. This report should show in tabular form, among other things, the number of complaints received during the preceding twenty-four hours, classified as to offenses; the number of arrests during the preceding twenty-four hours, also classified as to offenses; the number of persons aided, distributed according to the nature of their injuries or disabilities, and the disposition made of such persons; the strength of the force by squads or sections and a detailed statement relative

to absentees and the causes of their absence. This information should be supplemented by comparative data concerning complaints for the present year to date, and the preceding year for the corresponding date; and by a comparative statement of arrests and of the disposition of persons arrested. The report should show the number of persons convicted for various offenses, the number discharged, the number acquitted, the number held for higher courts, those held for other jurisdictions, and the number of cases in which judgment is pending.²⁵

One element that militates against effective administrative control by police chiefs is the fact that they frequently spend practically no time in making field inspections. Such field work is essential to the maintenance of proper discipline on patrol, for experience shows that when subordinates know that the chief may show up at unexpected times the discipline of the department is raised, just as it becomes lax when they know that the chief is always busy at headquarters.

Inspectors and Deputy Chiefs.

Besides the officers mentioned there are in a number of cities deputy chiefs of police and inspectors of police. The duties of the deputy chief, generally, are to assist the chief as he may direct and to take charge of the force in his absence. Sometimes deputies are assigned to supervise the business management of the department or to take charge

²⁵ See *infra*, p. 296.

of its records. Again the immediate supervision of the entire police force may be distributed between the deputies as in the case of Chicago where one deputy supervises the force while the other is in charge of the business and office work of the department.²⁶

Police inspectors are for the most part commanding officers responsible for the police activities of their subordinates rather than officers relieved of administrative routine and thus free to devote themselves to the work of inspection proper, and to the making of constructive criticisms for the improvement of the police service. To the absence of the latter kind of officer is sometimes assigned much of the inefficiency found in police departments.²⁷

Signal Systems.

Police signal systems to supplement the work of officers in police departments are now found in nearly all large cities. In 1915, of the 204 cities with over 30,000 population, 175 reported signal systems. The Gamewell signal system was used by 123 cities; telephones or telegraph and telephones by 32, and various locally named systems by 20.²⁸

An up-to-date signal system supplies several needs; it enables a patrolman on post to summon aid in an emergency; it provides a means which enables the superior officer to reach any patrolman on post; and it serves as a check upon

²⁶ Chicago City Manual (1915), p. 69.

²⁷ Fuld, *Police Administration*, pp. 67-70.

²⁸ See U. S. Census Bureau, *General Statistics of Cities* (1915), p. 27.

the efficiency with which the patrolmen are performing their duties.

It is now quite usual to require patrolmen to report from a patrol box at intervals during their tour of duty. This serves a purpose similar to that of a watchman's time clock and insures that the patrolman will be on post at certain intervals at least. But this does not necessarily mean that patrolmen are performing their duties for they may loaf in cigar stores, barber shops, restaurants, and other places between pulls of the box.²⁹ Moreover, the ordinary signal system does not provide against the possibility of favoritism on the part of the officer receiving the signals at the station house. He may oblige certain patrolmen by recording signals that were never sent in and may injure the reputation of others by failing to record those that were sent in.

To eliminate this personal element and to insure to every officer credit for each call and indisputable proof relative to the time and place at which it was sent, there are now being installed by certain cities automatic record report signaling systems such as those produced by the Gamewell Company.

These signal boxes distributed throughout the city in the various patrol posts contain signaling mechanisms and telephones connected with a receiving device at police headquarters. The latter comprises a number recording register, a time stamp and paper take-up reel. The officer who

²⁹ See Final Report on Police Investigation by Chicago Civil Service Commission (1912), pp. 38-41.

wishes to report from his beat opens the signal box door, pulls down the lever which transmits the box number to headquarters where the number and time of its receipt are automatically recorded on the register paper. By removing the telephone receiver he indicates that telephone communication is desired. The number signal shows where the officer is; the time record indicates the precise time at which he reports; and by conversation he proves his identity.

It can readily be seen that this system gives superior officers reliable information on the basis of which they can judge the efficiency of their men, and that it at the same time protects the patrolman against unjust accusations of neglect of duty. But it does not furnish the officer in command with the means of reaching quickly the men on post. Orders and directions must be communicated to him when he calls up from a signal box at stated times. Now it is just as essential for the station house to be able to reach at any time any or all the men on patrol as it is for patrolmen to be able to reach the station house. This is particularly true in cities that do not provide an adequate reserve force.

To provide for this need an increasingly large number of police departments are installing re-call systems. A police re-call system is a device for signaling to patrolmen or other members of a police force when they are away from headquarters. It has been called an electric roundsman because it furnishes an effective instrument for locating and finding any one or all the members of the force within a few minutes. It enables the officer at headquarters to determine

at any time whether patrolmen are performing their duties and to reach patrolmen in the case of emergencies.

A re-call system consists of flashlights distributed so as most readily to attract attention. The desk officer in the precinct or at headquarters by pressing a button can turn on a current which flashes the light and thus attracts the officer's attention. There is frequently combined with the flashlight an electric bell which can be sounded from headquarters. These bells are especially serviceable in bright daylight or in foggy weather. By means of signal codes certain officers may be called. On the signal box under the flash light is a pushbutton which allows a citizen desiring the services of a policeman to flash the light and call the officer without communicating with headquarters.

The flashlight call system just described has been installed in New York City recently and has amply demonstrated its value as an effective aid in promoting better police service.³⁰ In 1915, 60 cities reported flashlight systems in use.³¹

The greatest drawback in the way of its installation lies of course in the cost; and while it would not be advisable for every city to install a complicated and expensive signal system the need of some method of reaching patrolmen on posts cannot be too strongly emphasized. Mention should therefore be made of the comparatively inexpensive devices which certain cities have put into operation with results

³⁰ New York Police Report, 1914-1917, p. 43.

³¹ U. S. Census Bureau, *General Statistics of Cities*, p. 27.

such as at least warrant other cities in considering the practicability of their installation.

In the city of Rochester, for example, a number of red lights, suspended from arms attached to street light poles and connected with the nearest fire house, are located throughout the city. Whenever a precinct commander wishes to reach a patrolman at a given point, he communicates by telephone with the fire house nearest the signal light and the foreman on house duty turns on the light. The patrolman seeing it communicates at once with his precinct by using the nearest telephone.

It has been estimated by prominent police chiefs who have had experience with up-to-date signaling systems that such systems increase the efficiency of a police department to a very considerable degree.

To summarize, it may be said that a thoroughly efficient signal system should provide means for:

- 1 — Signaling locations from outlying points
- 2 — Sending emergency signals independent of the telephone or other signals
- 3 — Automatically recording signal numbers
- 4 — Automatically timing the receipt of signals
- 5 — Providing telephone communication
- 6 — Audible signaling to patrolmen
- 7 — Visual signaling to patrolman
- 8 — Selecting and signaling individual patrolmen
- 9 — Signaling all patrolmen collectively

Details.

A question intimately related to general patrol service in that it concerns a practice which has done much to weaken the discipline of the force is that of police details. A detail may be defined as an assignment relieving a policeman from regular police work and giving him special duties to perform. Assignments to the detective division are really details but will be considered later in connection with detective service.

The system of details as it exists in many cities is subversive to discipline because policemen generally look upon details as "easy berths" to be secured through political influence. Many details involve less arduous duties than ordinary patrol work and hence they are eagerly sought by the men. Moreover, in many police departments they can be obtained only through powerful political friends most readily cultivated by a "liberal" enforcement of the law. Needless to say, this situation leads patrolmen to conciliate the district leader rather than to merit advancement by the proper attention to duty. Not all details are unjustifiable by any means when made on the basis of merit, but all details secured through intervention of a political boss most certainly are subversive to discipline. This harmful influence upon police morals has been aptly stated by a leading authority on police administration as follows:

The baneful effect of political influence in a police force . . . lies in the unavoidable conclusion that if a politician can secure for a policeman transfers, assignments, etc., which the police-

man wants, that policeman "owes favors" to the politician and the favors are pretty sure to be paid in ways which give privileges to the politician and his friends, which should not be given, and which usually constitute a license to break the law. It is an inevitable circle; the policeman wants a detail; the politician gets it for him; the policeman is bound to do a similar service for the politician. And this does the double harm of breeding crime and breaking police morale.

The proper procedure is quite opposite: the policeman wants a detail; he is granted an interview with the Police Commissioner, states his case, and if his record and ability warrant it, he gets the detail; this time, however, he is under no obligation to any one, except to his own record, and he has got the detail, not as a favor, but because his own work showed that he had rendered good service. The effect is to encourage the men to do ambitious, effective police service,—the diametric opposite of the other procedure.³²

Not only is the method of making details frequently demoralizing; many details are in themselves unjustifiable. Thus it is very common to find a considerable number of policemen detailed to duties which could be performed by civilians at a considerably lower cost to the city.

Thus policemen are frequently assigned to perform comparatively simple clerical services and to act as telephone operators, information clerks, etc., when civilians could be secured at much lower cost. Good policy dictates that policemen appointed for their special capacity determined by civil service physical and mental examinations should be employed with great caution in positions which demand no such qualifications. Of course, no definite rule in regard

³² Arthur Woods in New York City Police Report, 1914-1917, pp. 3-4.

to this matter can be laid down. Police authorities must act as the result of a careful consideration of peculiar local conditions.

The practice of assigning members of the police force to serve as agents or under the supervision of privately maintained corporations even though they be of a philanthropic nature is of questionable expediency. These agencies should employ their own officers to act in close coöperation with the police force and if the services of persons having police powers are necessary, special policemen should be designated. Moreover, there is generally no need for assigning patrolmen to such public offices as the board of education, or the board of public works. Such details create an improper charge against the police department.

In conclusion it can be stated, that the number of police details involving the members of the uniformed force should be kept at the minimum because they tend to weaken the strength of the patrol force and are frequently uneconomical. Moreover such as are found necessary should be made only as the result of merit determined by efficiency records and not because of the importunity of politicians.³³

³³ See Fuld, *Police Administration*, pp. 185-203.

CHAPTER VI

THE REGULATION OF TRAFFIC

ANY one who has stood either at Fifth Avenue and Forty-second Street, New York, or on the corner of State and Madison Streets, Chicago, or even at the intersections of the main arteries of traffic in smaller cities will not question the absolute necessity of traffic regulation. Without careful direction and control the multitudes of vehicles become inextricably blockaded, much valuable time is lost, and there results a serious hazard to pedestrians and riders alike. In our larger cities, even with hundreds of policemen giving their entire time to the regulation of traffic, the number of fatal accidents is large; without their services the number would be appalling. The regulation of traffic has become one of the most important functions of the police department.

Yet strange to say this work, which now looms so large, is of comparatively recent origin. Before 1900 traffic regulation was practically unknown in the cities of the United States.¹ A former commissioner of police in New York City in speaking of the conditions of traffic before its systematic regulation was undertaken, says:

¹ W. Phelps Eno, *Street Traffic Regulation*, Introd. p. 1.

The jostle and struggle between the driver and pedestrian in the streets had been for many, many years a fixed condition, quietly accepted by the multitude. The driver, on his part, believed the street belonged exclusively to him, and, whip in hand, he sat on his throne as one beyond the law. As there were no systematic attempts to regulate his behavior, he pursued his brutal and savage way unchecked, with no respect for the law or its officers. The citizen went daily, with more or less courage, through greater perils and dangers than an arctic explorer, a sailor, or a hunter of dangerous wild beasts would encounter, glad at times to gain the curb, frequently escaping a violent and cruel death by a hair's-breadth. It never occurred to him that the officers of the law had any authority in the premises, other than to occasionally help a crippled man or assist a helpless woman or child over some of the more dangerous street-crossings.²

And it must be remembered that this is a description of conditions existing previous to the rapid development of automobile traffic which has increased so tremendously the congestion and hazard of our city streets.

Its Establishment in American Cities.

On October 30, 1903, General Francis V. Greene, then police commissioner of New York City, promulgated the first "police regulations" for the control of street traffic. This step was taken at the suggestion of Mr. William Phelps Eno, who had for several years carried on a campaign of education relative to the necessity of systematic traffic regulation, and Captain A. R. Piper, U. S. A., deputy police

² W. McAdoo, *Guarding a Great City*, p. 240.

commissioner. These "rules for driving," drafted by Mr. Eno, proved so satisfactory in practice that they soon became the model of practically all traffic regulations adopted in the cities of the United States. They have been altered somewhat but their fundamental features have remained intact, the changes having been in the nature of simplifications. Paris adopted them in 1912. Soon after, London also codified her regulations basing them upon the rules of New York City.³

The regulation of traffic now constitutes a regular feature of the police work of our cities. The number of men assigned to such regulation varies from the lone traffic policeman at the busiest street intersection of the country town to the 1300 traffic policemen of New York City. Everywhere the hostility that was at first directed toward traffic officers has given way to a cordial appreciation of the valuable services they render. They are now a popular branch of the service.

³ This account is based upon W. P. Eno, *Street Traffic Regulation* (1900), Intro. pp. 1-11 and a pamphlet by the same author and with the same title, published 1916, Ch. 1. In this pamphlet Mr. Eno says: "Realizing the proven value of street traffic regulation to New York, many other cities delegated aldermen, commissioners or police officers to formulate traffic rules. These officials, with few exceptions, not content to profit by experience appear to have been actuated in their legislative efforts by a desire to originate and satisfy a pride of authorship. The result of their efforts has been that while they have filched almost everything of value in the New York regulations, these have been so distorted by rearrangement and rewording and by important omissions and unimportant additions that the patchwork thus produced has been confusing and much too long. The infliction upon one unfortunate city, for example, contained over 6,500 words, lacking both sequence and order." p. 12.

Traffic Laws.

The traffic laws in force in American cities are by no means uniform, due to the fact that state legislatures, city councils and police commissioners have not as yet found it possible to agree upon general regulations. This causes confusion and needless hardship to drivers who are not familiar with the local regulations. For a number of years the International Association of Chiefs of Police has studied this problem, and at its meeting in 1915 a committee submitted a set of uniform traffic ordinances and regulations which it recommended for adoption.⁴ The majority of the provisions were copied from the traffic regulations of New York City.⁵ There is general agreement now that traffic rules should be as nearly uniform as possible throughout the country.

How can this uniformity be brought about? Much can be and has already been done by such organizations as the Safety First Federation of America which in 1916 issued a "Proposed Standard Code of Traffic Regulations for General Adoption by Municipalities,"⁶ the American Automobile Association, and the Association of Chiefs of Police. Continuous study and agitation by these organizations exert a strong influence for more nearly uniform traffic regulations.⁷

⁴ Proc. Twenty-Second Annual Convention, 1915, pp. 39-45.

⁵ See *infra*, p. 341.

⁶ *The American City*, Vol. XV: 306 (September, 1916).

⁷ Traffic rules are generally found scattered through state laws, city ordinances and police regulations. This is condemned by Mr. Eno, the

The New York City Regulations for Street Traffic are reprinted as an appendix to this volume for the reason that they have served as the model for other cities and because they probably represent the most advanced traffic rules in existence. Their adoption by other cities seems the most direct method for securing uniform regulations.

The enforcement of traffic laws and regulations is always given over to the police department and now constitutes one of the most difficult of its problems.⁸ Moreover, it is the work that is most in the public eye and consequently often serves as the basis of popular judgment relative to the efficiency of the entire force. This is particularly true in the case of strangers in the city. Because of this reason and the fact that the safety of the city's traffic depends so

foremost authority on traffic regulation. He says: "Traffic regulations are properly police regulations and should be adopted in standard form. One ordinance or other statute empowering and making it the duty of the police department to regulate traffic is all that should be permitted." He recommends the following form: "The police department is hereby authorized, empowered, and ordered: To direct, control, restrict and regulate, and when necessary, temporarily to divert or exclude (in the interest of public safety, health and convenience) the movement of pedestrian, animal and vehicular traffic of every kind, in streets, parks, and on bridges, and to adopt and enforce regulations in regard thereto." This gives the police ample authority not only over vehicular traffic but over pedestrians as well. Needless to say this additional power is highly desirable.

⁸ Ch. 24, Sec. 42 of the New York City Code of Ordinances reads as follows: "The Police Department shall have exclusive control of the management of vehicular traffic. The police commissioner shall cause suitable abstracts of the provisions of this chapter to be posted in all public stables and garages, and at all hack, cab and truck stands. He shall cause copies thereof to be kept at all police stations, to be issued to the public on application without charge."

largely upon the efficiency with which traffic officers perform their duties, it becomes of importance as well as of interest to inquire into the methods used by police departments in this field of their activities.

Traffic Bureaus.

It is customary in the larger cities to have within the police department a traffic bureau under the supervision of a captain, lieutenant, or sergeant of police, and consisting of a number of detailed traffic policemen on foot or mounted on horses, bicycles or motorcycles. These details are relatively permanent but are subject to revocation at the discretion of the head of the department. In some cities, however, the men assigned to traffic regulation are carried on the rolls as patrolmen and report in the districts in which their posts are located.⁹ This plan is to be condemned since it makes it more difficult to discipline and control traffic men. There should be a regular squad reporting to headquarters or to special traffic subdivisions, as in the case of New York City.¹⁰ This centralizes control over traffic officers and centers responsibility. Moreover, it allows the specialized knowledge of the head of the traffic bureau to

⁹ See New York Bureau of Municipal Research, *Survey of Richmond, Va.*, p. 289.

¹⁰ In greater New York City there are five traffic subdivisions. The Traffic Division has been placed under a special deputy police commissioner who devotes practically all of his time to the administrative supervision of the division and the study of methods for solving the city's complex traffic problems. An Inspector of police is directly in charge of traffic regulation.

be utilized effectively in the regulation of traffic, and it facilitates the collection and use of the statistical material that is so necessary in studying the city's traffic problem.

Although details to serve on the traffic squad are given and revoked by the head of the police department, this should be done only upon the advice and consent of the officer in charge of the traffic division; for he alone, granting that he is efficient, is in a position to judge accurately of the efficiency of his subordinates. Unless this condition obtains it will be extremely difficult for the head of the division to maintain the proper disciplinary control over his men.

Experience has shown that for the adequate care of the traffic division there is need for men on foot, on horses, on bicycles and on motorcycles. Naturally, the men on foot are the most numerous. They are best adapted to regulate traffic at congested points. Men mounted on horses are well adapted for patrolling and exercising general supervision over traffic. They can see better because of their higher elevation and can thus more easily detect violations of the regulations. Well-trained mounted police traffic officers are, moreover, the very best means that can be employed for handling parades and for suppressing riotous assemblies. A crowd is more afraid of the horses' hoofs than of a policeman's club. Mounted traffic officers should not be used for fixed posts. Traffic officers on motorcycles are well adapted for the general supervision of traffic especially in the less densely populated and outlying districts.

Motorcycle officers can, moreover, most satisfactorily handle the speed problem.¹¹

Qualifications Needed for Traffic Control.

The desirable traffic officer never becomes excited under provocation; he presents a neat, alert, and military appearance; he constantly watches vehicles and pedestrians; he is thoroughly informed as to the rules in force and insists upon their proper observance; he gives his signals clearly; he is familiar with his city and willing to answer politely and accurately the inquiries directed to him. Needless to say, not all policemen have these desirable traits. Hence the selection of men for traffic officers becomes of great importance and their adequate training an absolute necessity.

Need of Special Training.

Yet in few cities do traffic officers receive adequate training and their selection is frequently made for reasons other than special fitness. Occasionally traffic officers in conversation with citizens display not only an absolute lack of discipline but also a serious disregard for the responsibilities of their position. To supply the need for adequate training of traffic officers the police training schools of certain cities have introduced special courses. In New York City, for example, only those who have passed satisfactorily the regular two weeks' course for traffic men in the training school are selected for the traffic squad. The course covers the

¹¹ Eno, *Street Traffic Regulation* (1909), Ch. V, pp. 14-16.

laws, ordinances and rules relating to traffic as well as the most improved methods of signaling and controlling traffic.¹² Cities which do not have regular police training schools can greatly improve their methods of traffic control by sending the officers in charge of their traffic squads to attend the course for traffic officers in the New York City School. No amount of local experience can wholly take the place of training in the methods which other cities have found most satisfactory. Traffic regulation has become a science and must be studied as such.

The Block System.

The system of regulating traffic, known as the "block" system was the first introduced in the United States and still continues to be the most common. It is the system with which every one is familiar; it consists in stopping and starting vehicles at street crossings so as to allow traffic to proceed along each street in turn. The traffic officer stands near the center of the street intersection and signals by whistle, hand or mechanical device the movement traffic may take. He thus controls not only the movement of vehicular traffic but that of pedestrians as well. To this method of regulation a number of objections are raised. It is claimed, for example, that it unduly halts traffic, that it causes vehicles to accumulate in masses in certain parts of the street while in other parts the streets are practically clear, and that it causes similar congestion on sidewalks in the case of

¹² New York Police Report, 1914-1917, p. 27.

pedestrians. Moreover, the left hand turn before reaching the point of intersection is a violation of the fundamental principle of having all traffic pass around this point.¹³ But in spite of these objections the system is retained for the simple reason that in at least the narrower and most congested streets no other system has been found that works as well.

The Rotary System.

Opposed to the "block" system is the "rotary" or "gyratory" system now in use in many cities where more than two streets intersect making what is known as a circle. It was first introduced at Columbus Circle, New York City, in 1905, and has since been widely introduced in other cities both in the United States and abroad. The rotary system is a "no stop" system. It consists of having all vehicles keep to the right from the time they enter till they leave the circle. Thus traffic moves in one direction only. In the center of the circle a large space is reserved as a safety isle for pedestrians; around this all vehicles move counter-clockwise. The safety isle keeps vehicles in the proper position. Mr. Eno, who is the originator of the rotary system and who secured its partial adoption in New York City as well as in certain cities of Europe and South America, advocates its use also at ordinary intersections of two streets

¹³ Eno, *Traffic Regulation*, p. 26. Mr. Eno admits that in narrow streets and those which are unduly congested the "block" system is preferable to the "rotary" system he otherwise so strongly approves.

where the streets are of sufficient width. In explaining his plan he says:

At the intersection of two streets the principle to follow is exactly the same as at a circle. In one case, the obstruction zone to go around is large; in the other small and that is the only difference. At a simple intersection vehicles will do exactly what they do now where there is no traffic officer in charge, that is, the drivers follow the traffic regulation of going around the point of intersection before turning, only with an obstruction zone in the center will they be still further constrained to follow the rule.¹⁴

With this system, however, it is necessary to cut back the corners of streets on a larger radius so as to provide a larger turning space and thus allow the installation of central zones around which traffic can rotate just as at large circles.¹⁵

A modified block system known as the semaphore or five-block system of regulating traffic was for some years in operation on Fifth Avenue, New York's most crowded thoroughfare. The avenue between 26th and 58th Streets was

¹⁴ *Ibid.*, p. 28. This is qualified, however, as follows: "For all streets of sufficient width the 'rotary' system is recommended at intersections though it may be necessary to use the 'block' system during congested hours where there are car tracks on one or both streets but only local conditions will determine this."

¹⁵ Mr. Eno says that an inscribed circle of 65 feet allows sufficient room for the rotary system. An experiment in applying the rotary system at the intersection of 57th Street and Fifth Avenue was made in 1914. There was a six-foot island in the center. Safety islands were provided for pedestrians but there was no traffic policeman. From the standpoint of vehicles it worked well but it proved extremely dangerous for pedestrians who were obliged to sprint across the street. H. C. Hutchins, Ass't Engineer, Dep't of Public Works, in *Municipal Journal*, Vol. XL: 718, May 25, 1916.

divided into zones each of which was controlled from a master station, the operator of which ordinarily allowed north and south traffic to proceed at intervals of about one minute and forty seconds. When he changed his semaphore to allow east and west traffic to move the men at the semaphores at the several street intersections within the zones did likewise. It is claimed that the system greatly facilitated the movement of traffic.¹⁶ During 1920 the system was modified. The semaphores were discarded and traffic towers were substituted. These towers, from five to eight blocks apart, support electric signaling devices. A steady yellow light is used to indicate that north and south traffic may proceed and a steady green light that east and west traffic may proceed. A red light is flashed before a change in the direction of traffic is made. A steady red light stops all traffic. The tower at Forty-second street is the key to the whole system. The officers in the other towers follow the signals given by the officer in the key tower. Traffic men are still employed on the street intersections.

One-Way Streets.

Special problems are created by narrow congested streets. To relieve the dangerous situation there has been a gradual introduction of one-way traffic streets. This plan was introduced in New York and Boston in 1909; in Detroit in 1911; and has since been widely adopted in numerous cities to the great improvement of traffic conditions. At first the idea

¹⁶ New York Police Report, 1914-1917, p. 55.

of one-way streets often meets with opposition from residents and business people. This opposition, however, is overcome when the advantages of the system in facilitating the circulation of traffic is demonstrated. As to the introduction of one-way streets a recent report of the police department of New York City states:

One-way streets are not designated promiscuously, but only after study has been given each individual street, as to the amount and kind of traffic, the rush hours, the length of the boundaries of the block, etc. When this has been determined, the matter is taken up with the residents and business people on the thoroughfare, the one-way regulation explained to them and their approval of at least a temporary try-out obtained.¹⁷

The same report states that on every street where this has been tried it works well, relieving the congestion and facilitating the movement of traffic.¹⁸ Equally high praise for one-way streets is found in the police reports of Detroit,¹⁹ where the system has been widely introduced.

Another advantage of one-way streets is that they greatly reduce the dangers to pedestrians who in crossing streets need watch for vehicles coming from only one direction.

It is obvious that those streets not wide enough for two ordinary vehicles should always be one-way streets and that

¹⁷ Report of Police Department, 1914-1917, p. 54. Recently the one-way street system was successfully applied to solve one of the most difficult traffic problems of New York City — that of handling the 40,000 or more automobiles that invade the city's theater district every night.

¹⁸ *Ibid.*, p. 54. See article by John Gillespie, Ex-commissioner of Police, Detroit, Mich., *The American City*, Nov. 1916, p. 542.

¹⁹ Annual Report 1917, p. 105.

those unable to accommodate four lines of traffic should be one-way streets at least during busy hours.²⁰

Where the plan of having one-way streets is put into practice it is necessary, in order to avoid confusion, to provide proper signs for the instruction of drivers. These signs should be placed on stanchions or attached to the corners of buildings and should bear the words "One-way Traffic" and an arrow pointing in the direction vehicles are allowed to move. If the regulation applies only during certain hours that too should be stated. Another method is to suspend over the street, signs stating that the street is "open" or "closed."

Channelizing Traffic.

Another problem that is confronting traffic bureaus is what is sometimes called the "channelizing" of traffic. It consists in designating certain streets for the use of commercial vehicles and others for exclusive use of passenger vehicles. Such an arrangement is desirable from the viewpoint of both kinds of vehicles and tends to decrease the number of accidents and delays.

Parking of Vehicles.

In congested districts the question of finding space for the parking of vehicles gives the police considerable trouble. Here, also, they must deal with the selfishness of human nature. There are drivers who feel such a distinct pro-

²⁰ See Eno, *Traffic Regulation*, p. 30.

prietary interest in the public highway that if allowed to do so they monopolize the streets for indefinite periods of time and thus deprive others of their use altogether. Hence there is need of careful police regulation. The places allowed for public parking should be definitely marked by lines or by signs on stanchions and parking in other designated places strictly forbidden. Vehicles parked either at the curb or in the center of the street are often arranged at an angle of about 45 degrees with the curb since this takes less room and allows any vehicle to move out more easily.²¹

In order to enforce the traffic rules in regard to the parking of certain vehicles, Detroit has followed a rather unique and effective procedure. An ordinance was enacted creating a vehicle pound. Those who violated the parking rules found that their cars were towed to the pound and a fee of three dollars assessed. The police report for 1917 states that although this method produced something of a shock it proved effective to the thoughtless and careless and resulted in a general improvement in the observance of the rules. During six months over 10,000 automobiles were impounded and over \$31,000 assessed.²² A number of other cities have adopted this system.

²¹ These directions are taken from Eno, *Traffic Regulation*, p. 31.

²² P. 107. A St. Louis ordinance providing that "drivers must at all times comply with any direction by voice or hand of any member of the police force as to stopping, starting, or departing from any place" was declared invalid by the supreme court of Missouri because it would "put the citizen in the arbitrary power of the officer, regardless of the circumstances of the case." *St. Louis v. Allen*, 204 S. W. 1083.

Play Streets.

It is frequently true that children in the more congested portions of our large cities have practically no play-ground space. To remedy this condition police departments in some cities now close certain streets in congested neighborhoods to vehicular traffic during part of the day in the summer time to provide recreation space for children. This is only one example of the newer kind of police service, that which is aimed not at repression but at constructive social service. New York City has in recent years greatly increased the number of such play streets. Ornamental signs are provided to designate them.²³

Isles of Safety.

In recent years there has been a gradual introduction of isles of safety or safety zones in the more progressive cities. They serve to protect pedestrians crossing crowded streets or waiting to board street cars and at the same time keep vehicular traffic within proper bounds. They also aid in enforcing the traffic rule forbidding vehicles to approach within a certain distance of street cars when passengers are taken on or discharged.

In some cities safety isles or zones are places raised to the height of the sidewalk and equipped with lamps or protection posts. This type of safety isle gives pedestrians

²³ Semi-Annual Report of Police Commissioner, 1918, p. 9; see Report of Detroit Police Department, 1917, p. 103 for a description of play streets in that city.

a sense of security; it makes boarding and leaving street cars easier; and its substantial character tends to keep the drivers of vehicles from encroaching upon it.²⁴ Another type of safety zone is the one originated and extensively used in Detroit. In that city the zones are not raised but are marked off by white lines painted on the pavements. At each car stop a safety zone is marked off by a white line beginning at the cross walk and extending back for about 60 feet parallel with the car track and about $7\frac{1}{2}$ feet from the outer rail. Within the area so marked off pedestrians may stand and get on or off the car with safety since no vehicle is allowed to cross the white line, at least while the zone is occupied. At first these safety zones were indicated by traffic signs which were frequently struck and were a hindrance in the way of vehicles desiring to pass through a safety zone which was unoccupied. So the signs were removed and replaced by a mushroom-shaped iron base weighing about fifty pounds and secured to the pavement by means of a spike. In these bases the words "Safety Zone" are cast. The bases are only $4\frac{1}{2}$ inches high and do not interfere with anything passing over them, including street cleaning apparatus. White lines are used also for indicating cross walks, places for parking and places where parking is not allowed.²⁵ A third type of safety zone, commonly found in New York City, consists merely of movable stanch-

²⁴ See *The American City*, Vol. XVI: 342-4.

²⁵ John P. Fox, *Traffic Regulation in Detroit and Toronto*, *The American City*, Vol. XIII: 175-179; also John Gillespie, *Street Traffic Zones and Signals*, *The American City*, Vol. XV: 542.

ions indicating their location and limits. These stanchions are often removed at night.

Semaphores.

In recent years much attention has been given to various kinds of devices which tend to make the traffic officer's work safer and more effective. One such device now widely used is the semaphore. This apparatus consists of four revolving blades on the top of a portable standard revolving in a heavy iron base generally set near the intersection of streets. A handle attached to the standard allows the blades to be turned easily by the traffic officer. On the blades the words "Go" and "Stop" or "Open" and "Closed" appear on alternate faces painted on green and red backgrounds respectively. At night green and red lanterns are often used. To change the direction of traffic the officer makes a quarter turn of the semaphore. In spite of the wide introduction of this device it is claimed by some authorities that the old method of signaling by hand and arm is preferable since it allows the officer to direct individual drivers without signaling all of them. But of course even where the semaphore is used the officer may use hand signaling also.

Traffic Booths.

Officers whether directing traffic by means of a semaphore or not are not only exposed to the inclemency of the weather but are constantly in danger of being run down by careless

or reckless drivers. They can, moreover, not see all the traffic. To remedy this condition a few cities have been recently experimenting with traffic booths and "crow's nests."

Traffic booths are small structures stationed either in the center of the street where there is room or on the sidewalk on a street corner. From these booths the officer controls traffic either by means of an electric lighting device or by semaphore. Some years ago the city of Cleveland introduced on its busiest corner such an electrical signaling device. Electric signals are suspended below the trolley span about 14 feet above the street. Each approach to the street intersection is provided with two lights, one red located on the near side indicating "Stop" and one green located beyond the intersection indicating "Start." Electric switches in the traffic officer's booth on the sidewalk control these lights. The signals are operated by the same switch so that closing traffic in one direction automatically opens traffic in the other. Reflectors make the signals efficient during the day as well as at night. Installed in the booth are fire alarm signaling instruments which keep the officer in constant communication with fire department headquarters thus allowing him the opportunity to clear a passage for fire apparatus.²⁶

Traffic booths are frequently used in connection with the

²⁶ Account taken from article by Alfred A. Beuesch, Director of Public Safety, Cleveland, O., *The American City*, Vol. XIII: 183. For an account of similar method of signaling in Salt Lake City, see *The American City*, Vol. XVII: 420. New York City has during the last year introduced on Fifth Avenue a somewhat similar signaling device which has been very successful.

semaphore which in such cases is simply placed above the booth which protects the officer. This system is used in Richmond, Va.

The "crow's nest" in use in Detroit is simply a booth raised above the ground at the point of intersection of streets. The base of the tower is of concrete and the superstructure of steel. The "nest" is round, is placed about six feet above ground and is surmounted by "Go" and "Stop" signals and green and red lights. The superintendent of the Detroit Police Department speaks of its advantages as follows:

This elevated position of the officer directing traffic is a decided advantage to pedestrians, chauffeurs, and drivers, as well as to the officer. All can see the signals from a greater distance; therefore drivers approach the intersection with machines under proper control, giving pedestrians, to whom the signals are plainly visible over the tops of vehicles, an opportunity to cross in safety. The "crow's nest" has resulted in a great reduction in bent fenders and broken headlights of motor vehicles, and there is a noticeable absence of misunderstandings and consequent tangling and wrangling. Whereas it was difficult for two men to regulate traffic at this intersection it is now accomplished with ease by one.²⁷

Educating the Public.

In discussing traffic regulation the need of educating the public cannot be overemphasized. The effort and money spent in bringing home to the people information as to the traffic rules and ordinances and the need of observing the

²⁷ Ernst Marquardt in *The American City*, Vol. XIX: 122.

"safety first" principle probably yield the highest return in the way of improving traffic conditions. Too much praise cannot be given therefore to the numerous organizations which have conducted such campaigns of education. As Mr. Eno has said: "It is to be remembered that the drivers themselves are the best regulators of street traffic when they know the regulations and what their rights are."²⁸

One of the first duties of the traffic bureau consists therefore in making available to the public an ample supply of the printed rules and regulations for traffic. Any person should be able to secure a copy of the rules at any police station or from any policeman. Moreover, the rules should be posted at cab stands, garages and other places where drivers will see them.

Another means of avoiding confusion and giving information to the public consists in well-designed traffic signs bearing concise directions for drivers. Such signs do much to impress upon the public the necessity for knowing the rules and of carefully observing them.²⁹

An interesting development of the New York police department's campaign for the elimination of street accidents consists in sending police sergeants from the training school to give talks in the public schools, in garages and livery stables on the prevention of accidents. By this means greater coöperation between children and drivers was obtained with good results.³⁰

²⁸ *Traffic Regulation*, p. 19.

²⁹ See New York Police Report, 1917, p. 54.

³⁰ Police Report, 1915, p. XI.

Police departments can easily secure the coöperation of the press, mothers' clubs, safety associations, moving picture houses, etc., in making the public aware of the dangers that lurk in the improper and careless use of the streets. In fact these organizations enter upon campaigns for the prevention of accidents with the greatest enthusiasm as has recently been shown in a considerable number of cities.³¹ All such efforts should be heartily encouraged by police departments.

The work of educating the public, however, is baffling and requires patience and perseverance. Yet the constantly increasing number of fatalities in our city streets makes its continuation and development one of the most pressing needs of to-day.

³¹ *Ibid.*, 1917, p. 50; Syracuse Safety First Campaign, *The American City*, Vol. X: 322; Oakland, Cal. Campaign, *The American City*, Vol. XV: 429; Rochester's Campaign, *The American City*, Vol. XIX: 363. See also extracts from N. Y. Police Safety Booklet and Police Report 1916, pp. XVIII-XIX.

CHAPTER VII

DETECTIVE SERVICE

IN the preceding chapters only general protective and preventive police functions have been considered. Let us turn now to some of those more specialized forms of police activities that have from time to time been found necessary. This chapter is devoted to what is commonly known as the detective service.

It has long been recognized that there are certain police functions which a uniformed policeman is not well fitted to perform. One of these consists in the ferreting out of serious crimes and in the detection of those who commit them. Obviously, the persons who commit such crimes, those who commit larcenies, burglaries, etc. (and the great majority of them belong to the class of professional criminals), find it easy to elude the uniformed policeman who is obliged to cover a beat of a considerable area. Moreover, the solution of detective cases demands qualifications and training which the average policeman does not possess. Hence almost all police departments depend upon their detective division or secret service to keep their cities as free as possible from vicious and criminal elements.

Qualifications of Detectives.

The successful detective must be possessed of common sense, discretion, self-confidence, courage and above all of patience and perseverance. He must be a good judge of human nature and must be thoroughly familiar with the habits of criminals. He must be able to remember faces, a faculty developed in some detectives to a degree almost beyond belief. Since it is the purpose of the detective division not only to apprehend but also to secure the conviction of those guilty of crimes, it is necessary for detectives to have accurate knowledge of the rules of evidence. Many a guilty person goes free because of the ignorance or carelessness of the detective who appears against him in court. Upon this fact lawyers for the defense frequently depend. Finally, the successful detective should appear to be anything but a detective so as not to attract attention. Contrary to the belief derived from detective stories, disguises of various sorts play but a negligible rôle in the work of the successful detective.

The question naturally arises as to whether successful detectives are born detectives or whether they acquire their skill through training. There is no doubt that natural ability weighs heavily in favor of its possessor, but the methods of operation followed by professional criminals are nowadays on a scientific basis, and it is necessary for the detective to adopt equally scientific methods if he would frustrate their efforts. For this reason a few progressive police departments are coming to realize that special training is the

absolute prerequisite for successful detective work and are making provision for specialized instruction. But in the majority of the police departments in American cities no provision is as yet made for the scientific training of detectives. In this respect our practice stands in contrast to that found in many of the leading cities of Europe.¹

It is extremely difficult to determine even approximately the efficiency of members of a detective force because of the inadequacy of the records kept. Although some cities require each detective to file a daily report of his work, because of a failure to tabulate properly the complaints and the re-

¹ In London, promotion from the uniformed to the detective force is by examination written and oral which involves knowledge of general detective work and of criminal law. There is no regular school course.

In Berlin, after a man has served on the uniformed force for 5 or 6 years he may apply for entrance to the detective division. If his superior officer approves, he is assigned to a precinct detective force on a year's probation. This gives him an opportunity to study detective methods and to observe the work of experienced men. No examinations need be passed. Permanent appointment depends upon the superior officer.

In Vienna, the appointees are assigned to regular detective tasks but are required to attend lectures and recitations for a considerable period. Detective methods and criminal identification are intensively studied. Other and more advanced courses are prescribed for those who aspire to the rank of detective sergeant. Of this Fosdick says: "The school course, which is elaborate, includes lectures and recitations in such subjects as geography, ethnology, history, and composition, together with a drill in Austrian criminal law and the theory and practice of criminal police work. The lectures are held at headquarters in class-rooms well fitted up and equipped; indeed, the promotion school is the best of its kind which the writer saw anywhere. Vienna thus carries the education of her detectives, as she carries that of the police, further than any other city in Europe." See Fosdick, *European Police Systems*, pp. 298-304.

sults obtained by their investigation, oftentimes little that can aid the administrative officer is made available. When such is the case, obviously the chief of police and even the chief of detectives cannot determine accurately the crime conditions from day to day, than which nothing is more essential to the proper administration of the force. The first step in the promotion of efficient detective service lies in the establishment of a reporting system that will show the present degree of efficiency of the detective bureau.²

Organization of Detective Bureaus in United States.

Although the detective division differs in its functions and methods from the uniformed force, yet it is a vital part of the police department and the success or failure of the whole organization depends largely upon the coöperation that exists between the two divisions. When the proper relation obtains, they supplement each other's work, but where petty jealousy exists, the shifting of responsibility for crime conditions invariably follows. Hence the organization of the bureau should be such as will tend to promote the proper degree of coöperation.

There are three main methods of organizing detective divisions in municipal police departments:³ the centralized system of central office squads; the decentralized system of having detectives attached to a police district or precinct and subject to the officer in command of that district; and, in the

² See *infra*, p. 199.

³ See Fuld, *Police Administration*, p. 173.

smaller cities, the system of temporary detective details. The last mentioned form of organization, that of temporary details, is the one least calculated to produce good results. No man assigned only occasionally to detective duty can become a specialist in scientific detective methods. Even small cities are realizing this and are substituting the plan of having one or more men permanently assigned to detective duty.

The theory which underlies the practice of distributing members of the detective bureau among the various police districts or precincts of the city is that it is necessary to have detectives familiar with each locality readily available for the investigation of at least the cases of minor importance. In view of the development of the means of communication and transit, however, it is open to serious question whether this argument carries much weight. The practice is also based on the theory that crime is native to the several sections of the city. This, however, is far from being true. Moreover, and this is a decided objection to the plan, placing detectives under the control of police captains within precincts often tends to make of them instruments for the collection of blackmail. This danger was forcibly brought out by Mr. Thomas Byrnes, former superintendent of police in the City of New York:

Do away with all precinct detectives. They do nothing but bring trouble and odium and disgrace on the police force. Whatever detective duty you want done have it done from Headquarters. If there are precincts in New York where it is

necessary to have detective officers, let that be done by the men from Headquarters. The captain does not own the man then. If you have a sterling fellow at the head of the detective office, no captain — as they say they do — can do wrong in the precinct, because he has a man there alongside of him all the time. His duty is to find out those things, and he will know more about the precinct in thirty days than the captain will know.⁴

There is strong argument for the central office squad form of organization, where detectives are placed under the control of a chief of detectives, responsible for every member of the detective division or bureau. It centralizes control over the men and makes it possible to hold the chief of detectives

⁴ Testimony before Committee on Police Problems in New York, 1905, p. 196. See also Memorandum of the then Police Commissioner William McAdoo, *ibid.*, pp. 22-23. Commissioner McAdoo in a memorandum to the committee relative to a reorganization of the detective bureau said:

"In lieu of the plain clothes men who now do special or detective work in the various precincts, the Chief of Detectives when ordered by the Police Commissioner shall send to each precinct a number of Central Office detectives to do the work now required of plain clothes men. Captains and Inspectors not to be allowed to make requests for special detectives. Central Office detectives to make every day reports in duplicate of the work performed by them, one copy to the Captain of the precinct in which serving, and the other to the Chief of Detectives. In addition to their general duties, to aid and coöperate with the Captain or District Inspector, but to be at all times primarily under the Chief of Detectives. To be shifted, transferred from one precinct to another at the discretion of the Chief of Detectives. This provision would dispense with the wardman, special agent, or confidant of corrupt Captains or Inspectors, and would put the hand of the Commissioner into every precinct, into secret and confidential work of the police. The collection of blackmail or tribute from crime with an honest Chief of Detectives and Police Commissioner would be impossible under this law."

responsible for crime conditions. Such centralization does not necessarily mean that all detectives are attached to headquarters; in fact there are usually a number of detectives assigned to various parts of the city for general detective work. But to supplement the work of these district detectives, there are created specialized headquarters squads that operate throughout the city in running down particular kinds of criminals. In this manner it is sought to combine the advantages of specialization that follow centralization, with those of adequate distribution of detectives more easily obtainable through the decentralized form of organization. Frequently the two forms of organization are found together, as for example where there are in addition to the central detective bureau, a number of plain clothes men, under the control of police captains, doing detective work in the precincts.

An examination of the organization of the detective force in a number of typical cities cited below, will aid in setting forth the actual practice followed.

The detective bureau of Richmond, Virginia, is under the supervision of a captain of detectives appointed by the chief of police to serve during good behavior but subject to reduction to the ranks by the chief after a hearing. To the detective bureau are detailed detective sergeants and patrolmen operating in plain clothes. But in addition to these detectives, subject to the control of the captain of detectives, there are patrolmen assigned to plain clothes duty. These officers are subject to the jurisdiction of the captains in

whose precincts they operate, and are wholly beyond the control of the captain of detectives. Rivalry between the regular detectives and the precinct men results, a condition not conducive to efficient service.⁵

A somewhat similar situation prevails in Rochester, New York. Here also the bureau is in charge of a captain of detectives. The city is divided into districts to each of which detectives are assigned. In addition to these, a few men are assigned to specialized functions. There are also a number of plain clothes men attached to precincts. They are subject to the commanding officers and not to the head of the detective division.⁶

Indianapolis is divided into districts to each of which are assigned a number of detectives for general service. To supplement their work squads have been assigned to such specialized duties as the investigation of pawnshops, second-hand and junk dealers, hotels, banks and stores. All detectives are under the direct control of the supervisor of the bureau.⁷

In the San Francisco bureau, in 1917, fifty-eight men were assigned to strictly detective functions; one-half of these operated in specialized squads, the other half on general assignments in precincts. To each of the ten precincts were assigned two members of the bureau. But in addition to

⁵ New York Bureau of Municipal Research, *Survey of Richmond* (1917), pp. 306-7.

⁶ New York Bureau of Municipal Research, *Survey of Rochester* (1915), pp. 135-141.

⁷ New York Bureau of Municipal Research, *Survey of Indianapolis* (1917), pp. 213-218.

these men, there were in each district two plain clothes men independent of the bureau and subject solely to the captain of the district. The specialized squads were assigned to investigate pawnshops, hotels, department stores, banks and similar places requiring supervision. The bureau was under the supervision of a captain of detectives.⁸

The City of New York has tried various forms of organization for its detective bureau — from extreme centralization to decentralization. The system whereby all work was done from headquarters proved most unsatisfactory, partly at least, because of the large area of the city — over 300 square miles. So the decentralized system was instituted. In 1912 the bureau was divided into sixteen inspection districts to correspond with the district organization of the uniformed force. Each of these divisions was under the control of a division commander who was not, however, subject to the control of the district inspector. Within the divisions, detectives were assigned to the several police precincts with headquarters at the station houses and under the control of precinct commanders who were likewise not subject to the control of the captains of the districts. In other words, the same territorial divisions were used by both the uniformed and the detective divisions but there were separate officers in control of each force.⁹

Commissioner Woods came to the conclusion that the pre-

⁸ New York Bureau of Municipal Research, *Survey of San Francisco* (1916), 210-212.

⁹ Report of Special Committee of Board of Aldermen on Police Department (1912), pp. 15-16.

cinct form of organization for the detective bureau was not giving satisfaction largely because of the difficulty it placed in the way of coördinating all the units under one control. He therefore completely changed the form of organization in order to meet "the two prime essentials of organization . . . central control and proper distribution of men." He assigned his men to nine branch bureaus covering the entire city — four in Manhattan, one in the Bronx, two in Brooklyn, one in Queens and one in Richmond — and organized in addition a number of specialized squads for the investigation of particular kinds of crimes throughout the city. These squads were changed from time to time as the needs of the city demanded. Among them were the following: Bureau of Missing Persons, Bureau of Lost Property, the Psychopathic Laboratory, the Homicide Squad, the Bomb Squad, Gang Squad, Narcotic Squad, Burglary Squad, Pick-pocket Squad. Relative to the success of this organization, a recent special report of the New York police department gives the following statement:

The formation of these bureaus resulted from the necessity — arising from modern conditions — of having certain men specialize along various lines of work, as well as the necessity of having that work centralized in one body. The same conditions and the same need resulted in the formation of numerous special squads at Police Headquarters. . . . In this way not only were groups of detectives specially trained to combat certain forms of crime, but the police were able to watch *people* instead of merely *places*. Change in locality of operation and quickly jumping from one Inspection District to another availed

a criminal nothing, for the Squad gave him vigorous attention wherever he went.¹⁰

Under the new administration that came into office at the beginning of 1918 the organization of the detective bureau was again changed. The specialized squads were retained but the men in the nine branches were again distributed among the seventeen inspection districts.¹¹

In Europe.

In the cities of Europe the differences of opinion and the practice relative to the organization of detective divisions are just as pronounced as in American cities. In the Metropolitan Police Department of London the policy of decentralization has been adopted. Most of the detective work is done by men permanently attached to the divisions into which the area of the metropolitan district is divided, and under the control of a detective inspector responsible to the uniformed superintendent of the division. There is, however, close supervision over the divisional inspectors by the assistant commissioner in charge of Scotland Yard.¹²

¹⁰ New York Police Report, 1914-1917, p. 31.

¹¹ Commissioner Enright in his first semi-annual Report for 1918 says, "During the past few years the detective service operated through nine branch detective bureaus, with a central office at Police Headquarters. The Bureau was practically under the direct control of the Police Commissioner, one Deputy Commissioner, and two Inspectors.

This divided administrative authority was centralized, and the Bureau placed under direct control of one Inspector, under the supervision of a Deputy Police Commissioner appointed from the Uniformed Force." p. 12.

¹² Fosdick, *European Police Systems*, p. 276.

In Berlin, on the other hand, the policy of extreme centralization prevails. Here all important felonies and misdemeanors are handled directly from headquarters by thirty-one specialized detective squads. These squads are under the direct control of *Kriminalkommissars* and vary in size from three to seven. They are grouped into divisions in charge of inspectors who report to the assistant commissioner in charge of the entire detective service. In petty cases a decentralized plan is followed.¹³

It appears that relative to the proper organization of a detective force there is nothing even approaching agreement. Moreover, it is doubtful, to say the least, whether any form of organization will necessarily produce good results; much depends upon the personnel of force, crime conditions, and the geographical conditions in various cities.¹⁴ The policy, so frequently found in American cities of having plain clothes men or wardmen subject to the captains in command of precincts must, however, be condemned since experience has shown that it lends itself readily to corruption. The entire detective division should be under the control of a relatively permanent chief or captain of detectives. As to the distribution of his men — whether they should all operate from headquarters in specialized squads or whether they should be permanently assigned to the various sections of the city, and their work supplemented by specialized squads — this is a matter which the head of the bureau

¹³ *Ibid.*, p. 283.

¹⁴ For an excellent brief treatment of this subject see Fosdick, *European Police Systems*, pp. 288-296.

must determine on the basis of a careful study of local conditions.

Selection of Detectives.

In American cities detectives are usually selected from the members of the uniformed force. That this is a wise arrangement has often been questioned on the ground that it unduly restricts the choice of the appointing officer. It must be admitted that the qualities of highest importance for a detective are oftentimes found in persons who for some reason might find it impossible to pass the civil service examinations, particularly the physical tests that are required for entrance into the police department. Many police administrators are strongly of the opinion that this limitation upon the power of police officials is detrimental to efficiency.

In a recent police report of New York City, we read:

In the efficiency of its detective bureau, the City of New York will probably lag behind European cities as long as we are handicapped by the present civil service laws which require detectives to be selected only from the uniformed force.¹⁵

On the other hand, it is probably true that when proper care is exercised in making selections an efficient corps of detectives can be recruited from the ranks of the uniformed force. Moreover, the policeman's work is of such a nature that it offers opportunity for displaying the traits necessary in a successful detective officer, and may thus be considered

¹⁵ Police Report, New York, 1914-1917, p. 32.

in a way as a special training for that position. That this is generally so considered is witnessed by the fact that both in America and in Europe the bulk of detectives are selected from the uniformed force.

In the United States detectives are chosen either by the administrative head of the police department or by the chief of police, either at the discretion of superior officers or as the result of civil service examinations. It has been stated that the tendency to-day, in the matter of making appointments to the police force, points toward the extension of the civil service method. Civil service examinations are the best means yet devised, and are almost universally recognized as such, for recruiting at least a fairly satisfactory personnel and for preventing grossly unfit and partisan appointments. But it may well be doubted whether the civil service test can be depended upon to secure efficient detectives. The best authorities, though vigorous defenders of civil service, incline to the opinion that detective work requires ability of such peculiar character that it cannot be adequately tested by any examination, and therefore favor vesting discretionary authority in the chief of police or the administrative officials of the department.¹⁶ Detective ability depends upon the faculty of remembering faces, securing information, and judging human nature. These qualities can in the main be recognized only after the closest observation of a policeman's daily work and after daily and intimate contact with him.

¹⁶ See Fuld, *Police Administration*, p. 179.

Another difficulty in the way of employing civil service standards in choosing detectives lies in the fact that these standards are designed to secure permanence of tenure. Under civil service it is often the case of once a detective, always a detective, no matter how poor the service rendered may be. This is peculiarly fatal to efficiency in this line of police activity.

It would seem therefore that the position of detective should not be a civil service grade at all, but that it should constitute a detail to be made at the discretion of the chief of police or the administrative head of the department and that it should continue only during efficiency. It should be an easy matter for the head of the police department on the advice of the captain of detectives to remand to patrol duty. This is the practice, for example, in New York City to-day and seems to be giving satisfaction.¹⁷ It is true that even if detectives are placed under civil service, they, as well as the other officers holding such tenure, can be removed or reduced for proved inefficiency, but it is a very difficult task to establish that such inefficiency exists, because of the char-

¹⁷ See Charter, Sec. 290. Between 1901 and 1907 there was a rank or grade of detective sergeant. Of this system the Report of the Committee of Nine on the Police Department (1905) says: "It is essential to the efficiency of the detective bureau that the executive head of the force should be free to transfer for service therein any members of the force, and to remand them at will to ordinary police duty. This system prevailed until 1901.

"The present commissioner [McAdoo] and former Commissioners Partridge and Greene unite in urging a return to it. There is practically a unanimity of opinion that the change in the law made in 1901, whereby a man detailed to the detective bureau became a permanent member of it as sergeant of police, has worked disastrously." p. 653.

acter of detective work. Discretion should be left to those responsible for the efficiency of the service.

In most cities a detail to the detective service is considered a promotion and carries with it a considerable increase in salary. This makes such details eagerly sought for by the men and they, therefore, properly become an incentive to efficient work. In order to encourage still further efficient service some cities now maintain more than one rank within the bureau, the higher being accompanied by higher financial rewards. An example of this commendable practice is found in New York City. The charter provides¹⁸ that the police commissioner may designate not more than one hundred and fifty officers as detectives of the first grade, who while performing duty in the bureau, and while so designated as detectives of the first grade, are paid the same salary as lieutenants of police; but the police commissioner may at his pleasure revoke any such designation. The other members of the bureau receive the salary of the rank they hold. Relative to the success of this plan a recent police report states:

To increase the skill of the individual detectives we have made promotion to first grade, carrying with it a substantial increase in salary, depend altogether upon success in obtaining results in crime detection and prevention. Thus a premium has been put on good work, the quality of the work has improved steadily, and the spirit of wholesome competition among the men themselves has been greatly stimulated.¹⁹

¹⁸ Sec. 290.

¹⁹ Police Report, New York, 1914-1917, p. 29.

Supervision of Detectives.

In a previous chapter ²⁰ the need for careful supervision of the work of patrolmen was pointed out. Needless to say such supervision is fully as essential in the detective bureau as it is in other lines of police work. Moreover, because of its secret nature it is even more difficult to provide such necessary supervision by superior officers and by means of reports relative to day by day activities. It is not surprising therefore to find that in many cities detectives are often practically left to shift for themselves without being subjected to anything like adequate supervision. This absence of control accounts to a considerable extent for the extremely poor results obtained, for detectives are human and unless their work is supervised, they, like most other persons, tend to become slack in the performance of duty. Moreover, there is the ever-present temptation to make money dishonestly, in other words, to sell the privilege to commit crime, and police history only too often shows that the detective succumbs to this temptation unless he is carefully supervised by honest and fearless superior officers.

The first requirement for efficient supervision of the detective bureau is a chief of detectives who is thoroughly familiar with the work of the bureau. Obviously such an officer is not to be had where it is customary to change the head of the bureau at frequent intervals. In one of our largest cities in the United States there were seven different heads of the detective bureau in a period of ten years. To

²⁰ Chapter V, *supra*.

expect an efficient force under such a system is to expect the impossible. Naturally a change in the head of the bureau is frequently followed by a change in the personnel of the force, which means that there is little opportunity left for acquiring that skill and specialization which is the *sine qua non* of efficient service. It is necessary, therefore, to have a relatively permanent head of the bureau subject to removal only because of inefficiency or corruption.

The chief of detectives should be able to view the city's crime problem as a whole. He is or should be responsible for crime conditions to a large extent, and wholly for the success of the operations of the members of his bureau. It follows therefore that he should be given large powers in choosing his subordinates, in assigning them to various phases of detective work and in dispensing with the services of those whose work he deems inefficient.

Cities employ, for the supervision of detectives, methods similar to those which they employ in the supervision of members of the uniformed force. Thus there are generally assigned to the bureau, in addition to the chief who frequently holds the rank of captain, a number of lieutenants and sergeants whose duty it is to supervise the detectives, to make assignments to them and in general to assist in the maintenance of discipline and efficiency. An illustration of this practice may be drawn from the detective bureau of the New York department as it stood in 1915. The entire bureau was in charge of an inspector; in the nine branch bureaus there were 61 lieutenants to supervise the men; the

several specialized squads were each under the control of an inspector, captain, or lieutenant. All officers reported to the inspector in charge of the entire bureau.²¹

Reporting Methods.

But even if there be efficient superior officers in the bureau, unless they are provided with the proper means of control, their work will be performed more or less blindly. It is essential, therefore, that proper reporting methods be installed so that superior officers may know from time to time just what the crime conditions are and what progress department detectives are making in meeting their problems. To this end the records should show not only their successes but their failures as well. To determine the efficiency of the bureau, heads of the police department must be informed relative to the number of complaints received, and the action taken upon them, not only as to the current month and year but as to previous months and years as well. The following records ²² are suggested for the detective bureau:

1 — *Detectives' Register of Complaints.* In this complaint register should be kept a chronological record of every complaint made, which requires the attention of the detective bureau. Such a register should be maintained at each division office as well as at the central bureau. Each page of the register should be serially numbered and should be

²¹ See *Government of City of New York, Organization and Functions*, p. 562.

²² New York Bureau Municipal Research, *Survey of San Francisco*, pp. 224-228.

provided with columnar headings calling for the following information relative to each complaint:

The serial number of the complaint, separate series being maintained for each division or precinct

The date and time complaint was received

The names and addresses of persons making complaints

A statement of facts complained of

Estimated value of stolen property

The name of the patrolman on duty at the time and place of the occurrence complained of, and the number of his post

The name of the officer receiving the complaint

The names of detectives assigned to the case, and the time they began work on it

The disposition of the case

If the complaint comes in the form of a letter the facts should be copied into the register and the letter filed in a case folder. The register should be cross indexed by the name of the complainant, the crime complained of and the person charged with the crime, if that be disclosed in the complaint. All entries should be made in the handwriting of the detective receiving the complaint.

2 — *Detectives' Assignment Book*. The entries of assignments in this record should be classified according to the name of the detective. The record should be kept at the central office of the bureau. It should contain the serial

number of each case assigned, a brief statement to indicate the character of the investigation, the time and the date assigned, the time when the assignment was completed, and a brief statement of the result. Such information relative to district detectives and the headquarters squads can be secured through the detectives' daily records.

Such a record makes it possible for the head of the detective bureau at any time to ascertain the number of cases pending, the number in the hands of the several detectives and the number closed.

3 — *Record of Arrests.* In the detective bureau there should be maintained a record of arrests corresponding to the record of arrests maintained at the station houses in connection with the uniformed force. It should be kept at the central office of the detective bureau and in it should be recorded under proper headings each arrest made by detectives. This should be wholly independent of the similar record maintained by the uniformed force.

4 — *The Desk Blotter.* A desk blotter identical with that used in station houses should be kept at the central detective bureau and at each division office.

5 — *A Card Record of Complaints.* Upon receipt of a complaint either at the division offices or the central office, a detective should be assigned to the case at once, and as soon thereafter as possible a preliminary investigation should be made. When the detective returns from his preliminary investigation to his division office or to the central office, he should be required to fill out a complaint

card. These cards should be printed forms no larger than 11 inches x 8½ inches containing on one side headings identical with those contained in the detectives' register of complaints, and on the reverse side headings calling for the name, age, address, alias, height, weight, color of eyes and hair, manner of dress of persons wanted in connection with crime. There should also be provision made for recording the pedigree of persons arrested in connection with the crime and a description of stolen property. References to the case should be made by complaint number given in the detectives' register of complaints.

These cards should be forwarded to the detective bureau where they should be filed, classified as to the crimes complained of and subclassified alphabetically. A separate file should be maintained for each detective division and for the central office. There should be maintained a cross-reference card index system for the name of the complainant and the name of the person complained of. If an arrest is made within 24 hours, the information concerning it should be entered on the card before being forwarded to headquarters. Reports of subsequent investigations in connection with each case should be made on a second card of the same size as the first, to be known as a progress or supplemental card. This card should be of a different color from the complaint card and should contain printed headings calling only for information concerning the progress and final disposition of the case. The case should be referred to on this card by serial number and by the name of the complainant. The

cards should be signed by the detective working on the case, and reviewed and endorsed by the senior detective in charge of the division or squad. When the investigation into any complaint has been completed, regardless of the result, the detective should recommend, in writing, upon the progress or supplemental card, that the case be closed. The chief of detectives should endorse the cards indicating his approval or disapproval.

5 — (a). *Special Report Forms for Homicide Complaints.* Since the forms required in the investigation of homicide cases differ in many respects from those required in other cases, it is desirable that a special card record of homicides be maintained. Moreover, it is suggested that forms similar to the card record be designed and used by the detectives assigned to investigate these cases as a means of reporting upon the information secured.

5 — (b). *Card Record of Complaints from Other Jurisdictions.* In order to keep the records affecting complaints investigated for other jurisdictions, separate complaint cards should be maintained. These should be designed like the local complaint card, but should be printed upon a differently colored card and filed separately.

6 — *Detectives' Daily Report.* Each detective should be required to prepare a daily report, setting forth the time he reported for duty, the cases he worked on, indicated by their serial numbers, a brief description of his activities in each case, stating the names of persons interviewed and other information necessary to enable the chief of detectives to

judge of the efficiency of his men. General statements such as "visited pawnshops, hotels, lodging houses, etc.," "investigated the Jones case," etc., though frequently found in so-called detective reports should not be tolerated. The report should show the time spent in court, the title of the case, and the results. These daily reports should be endorsed by the senior detective in charge of the division or squad and forwarded to the chief of detectives, who should review them and cause them to be filed under the name of the detective, so that at any time it may be possible for him to review all of the reports of any detective for a given period.

7 — *Daily Consolidated Report.* Upon receipt of these reports from division or squad commanders, the head of the detectives should cause to be prepared a consolidated daily report which will furnish all of the information listed below concerning all branches of the detective service:

The number of complaints received during the 24 hours,
classified as to the crimes complained of

The total number of complaints under each of the crimes
complained of to date of current month

The total number of complaints under the same heading
received to the same period of the preceding year

The total number of these complaints disposed of by ar-
rests, as unfounded or under investigation

The total amount of property reported stolen during the
preceding 24 hours, during the month to date, during
the year to date, during the same periods of the preceding

year. The total amount of property recovered for the same periods

The number of detectives present

The number and names of those absent and the reasons therefor

Total number of hours spent by detectives in the investigation of specific cases, in freelancing, in court, at offices, etc.

Total number of arrests made by each detective, classified as crimes, and whether the arrests were "pick ups" or the result of investigations

Criminal Identification.

An essential part of the work of the detective bureau is that of recording and preserving accurate data for the identification of criminals. The possession of such data not only enables a police department to present adequately its case against criminals by showing their previous records, but it makes possible coöperation between the departments in different cities. This becomes significant when it is remembered that a large percentage of the more serious crimes are committed by professional criminals whose activities often extend from coast to coast.

The work of criminal identification is carried on either as a part of or in close relation with the detective service. It is highly desirable that it be organized as a part of the detective bureau.

Three methods of criminal identification are in use —

criminal photography, anthropometrical measurements, and finger printing.

Criminal Photography.

The first of these — photography — was the earliest to be developed and in many of the smaller cities the rogues' gallery is still the chief reliance of the police for the identification of criminals. Two photographs are taken of each subject — a full face and a profile. These are classified and filed, usually according to the crime in which the prisoner is a specialist and to his facial characteristics. Thus when a citizen complains of having had his pockets picked he can most readily identify the offender when shown the photographs of all the pickpockets in the gallery. The chief defect in this method of identification obviously lies in the expertness of criminals in changing their personal appearance and in the natural changes wrought by the passage of years. These defects led to the introduction of more exact methods of identification, but as a supplement to such methods criminal photography is still of great value.

It is obvious that unless the pictures in the gallery are properly classified and filed, an increase in their number, instead of strengthening the bureau, only serves to create further confusion. Oftentimes the photographs are pasted in scrapbooks. Experience teaches, however, that standard filing cabinets permit of a far more scientific classification, the primary classification being according to criminal specifications such as "con" men, pickpockets, burglars, etc.,

and sub-classifications according to facial characteristics.

Another practice to be condemned consists in having the prisoner's name and number appear upon the face of the picture. This leads to vicious practices and allows malicious identifications. All information should appear on the reverse side and should never be disclosed to persons seeking to make identifications.

The procedure to be followed in removing pictures from the gallery should be carefully regulated. It is a frequent practice to remove pictures upon an oral order of the chief or head of the bureau, and that for no stated reasons. The rules should provide that no picture be taken from the gallery except upon the written order of the chief or head of the bureau stating definitely the reasons for such removal. Members of the bureau should likewise receive pictures only upon the written order of their superior. It should not be possible for any reason to secure copies of pictures from the rogues' gallery except upon a similar order. The Bertillon operator should keep a record containing the name of the person whose picture was removed, the date of removal, by whom ordered and the reason given. The original order for removal should be filed.

The photographer of the department should be under the direct supervision of the chief of the bureau of criminal identification and should do no photographic work except upon the order of his superior.

Obviously there should be a system of cross reference between photographs, measurements and finger prints so that

one system of identification may be used to check up the others.

The Bertillon System.

The second system, consisting of anthropometrical measurements is largely the work of a famous French anthropologist, Dr. Alphonse Bertillon, who was for many years the chief of the identification bureau established in connection with the Prefecture of Police in Paris. In honor to his work this system now generally goes by the name of the Bertillon system. It consists of three parts: precise measurements of characteristic bony dimensions of the human body; observations of the bodily shape, color of eyes, etc.; and observations of peculiarities such as moles, warts, scars, etc., on the surface of the body. These M. Bertillon designated respectively as anthropometrical signalment, descriptive signalment, and signalment by peculiar marks. He based his argument for anthropometrical measurements upon (1) the almost absolute immutability of the human frame after the twentieth year of age; (2) the extreme diversity of dimension which the human frame presents when compared in different subjects; and (3) the facility and comparative precision with which certain dimensions of the skeleton may be measured by means of calipers of simple construction.²³

The anthropometrical measurements include: (1) measurements of the body at large — height (standing), reach

²³ See Bertillon, *Signaletic Instructions*, pp. 14-15.

from finger tip to finger tip, trunk (height sitting); (2) measurements of the head — length of head, width of head, length of right ear, width of right ear; (3) measurements of the limbs — length of left foot; length of left middle finger; length of left little finger, and length of left forearm.

Descriptive signalment describes in words by the aid of observation alone,²⁴ being thus distinguished from anthropometrical measurements. Special attention is given to the color of the left eye, the color of the hair and beard; the shape and dimensions of the forehead, nose and the ear. An elaborate classification enables the operator to describe these characteristics with remarkable accuracy.²⁵

In the words of M. Bertillon, the function of signalment by means of peculiarities is to place beyond all discussion the results obtained from the other two just mentioned.²⁶ The two essentials are: (1) an accurate description of the mark such as its nature, shape, dimensions and general direction; and (2) the precise localization of the mark with reference to certain parts of the body which serve as fixed points.²⁷

According to the classification used in the Bertillon system, the cards are distributed according to the length and breadth of head, length of left middle finger, length of left foot, length of left forearm, length of left little finger, the color of the eye and the length of the ear.

Needless to say, the Bertillon method of measurements

²⁴ *Ibid.*, p. 32.

²⁶ *Ibid.*, p. 64.

²⁵ *Ibid.*, pp. 130-210.

²⁷ *Ibid.*, p. 63.

is a vast improvement over the previous methods. Employed by experts and supplemented by criminal photography, it constitutes a fairly accurate means of criminal identification. It was first put to a practical test in France in 1883. Its results being favorable, it was widely introduced in most countries. Since 1900, however, it has been gradually replaced by a still more accurate and a far simpler system, that of finger prints.

Dactyloscopy.

This latter system, though much older than the other two systems described, did not come into common use until the work of Galton and Henry made available an adequate system of classification.

The inside of the hand is traversed by multitudes of ridges and depressions arranged in patterns that can be readily traced. The investigations of Galton proved that these ridge patterns persist unchanged from birth to death and even after death up to the time decomposition sets in. Finger printing consists merely in taking these impressions of the ridge patterns found on the several fingers and in classifying them into groups. The appliances used are few and simple. Ordinary white paper, some printer's ink, a small roller for spreading it, a piece of flat tin, a small pointer for ridge counting and a reading glass are all that are necessary. The operation of taking the impression is so simple that it can be performed after a little practice. Mr. Henry has included in his book on the *Classification and Uses of Finger*

Prints,²⁸ the advantages of that system of identification over the system of anthropometry as follows:

(1) The instruments used in taking anthropometrical measurements are costly and liable to get out of order; the accessories needed for finger printing are inexpensive and procurable everywhere.

(2) Those who take anthropometrical measurements must be put through a special course of instruction and be possessed of sufficient education to understand the significance of the figures of the decimal scale; any person, whether educated or not, after half an hour's practice, can take legible finger prints.

(3) If anthropometrical measurements are inaccurately taken, or accurately taken but wrongly read off or wrongly transcribed, the error cannot afterwards be discovered and remedied in the office where the cards are permanently kept and this error will persist and defeat all chance of successful search. If the data recorded are incorrect no amount of care can afterwards remedy the defect. Finger prints are absolute impressions taken from the body itself under conditions which eliminate error as regards transcription or recording. An effective device is adopted to guard against their being imprinted in a wrong sequence. After the "rolled" impression of each digit is taken separately, the digits are confined together in a metal guard and impressed simultaneously as "plain" impressions, thereby securing their occurrence in a correct sequence, and these "plain" impressions are compared with the "rolled" impressions at the time of classification. They may get incorrectly classified, but this error will be subsequently rectified, as it must be noticed during some subsequent search.

²⁸ Pp. 64-66. In *La Identification Dactiloscopica* by Fernando Ortiz, a technical examination of the several systems of identification, the objections to the Bertillon System and the advantages of Dactyloscopy are enumerated

(4) It takes much time to record anthropometrical measurements, since to ensure reliability, each measurement should be taken three times and the mean result only accepted. Marks and scars are noted, and this necessitates the body being uncovered. The measurements of young persons who have not attained full physical growth alter as they approach maturity. The impressions of the ten digits can be taken in less than one quarter the time needed for measuring. No record of marks and scars is required, consequently the subject has not to divest himself of his clothes. The patterns of impressions and the ridges of which they are composed retain their peculiarities absolutely unchangeable throughout life.

(5) In anthropometrical measurements, a margin, greater or less, must always be allowed for errors on the part of the operator for what may be termed the "personal equation" error of operators. This makes search for duplicates particularly onerous. For instance, when a card with length of head 18.4 is received, it is necessary to assume that the operator may have gone wrong within two millimeters either in excess or defect, and search accordingly is made between 18.6 and 18.2, but the former measures may fall under limit "long" and the latter under limit "medium," i. e., two pigeon-holes must be examined. Similar allowance has to be made in respect of all other measurements, with the result that the process of search with a record of 30,000 cards may occupy an hour or longer. Under the finger printing system no allowance for error on the part of the operator is made or needed. Working results have shown that 500 anthropometric references necessitated 4,623 pigeon-holes being searched whereas 500 finger impression references necessitated only 707 pigeon-holes being searched. Under the latter system, on an average, search was exhausted by the examination of 1-1/2 pigeon holes, the extension of search beyond the one pigeon-hole indicated being made to discount any possible variation in classification; while,

under the former, more than 9 pigeon-holes had to be searched. The records were approximately equal in volume.

(6) Search is made, in anthropometry, according to the somewhat complicated limits and subsidiary limits contained in a figured "key," the details of which even practiced searchers could not be trusted to commit to memory. The preparation of the "search slip" takes time, more particularly when several of the measurements are near the margins which separate "long," "medium," and "short," and many pigeon-holes may be specialized for examination, and this requires close attention to ensure that there shall be no omissions. No key is required in the finger print system. The searcher decides whether the impression of each digit, the digits being arranged in five pairs, is a whorl (the term including certain composite patterns), or not a whorl. If it is a whorl, he gives it a prescribed numerical value according as it occurs in the first, or second, or third, or fourth or fifth pair and the sum of such values gives a result fixing the particular pigeon-hole out of 1024 where the card should be placed. The secondary or subclassification is done equally rapidly and without a key.

(7) The strongest feature of anthropometry is the excellence of the system of primary classification whereby the cards are distributed, according to length and breadth of head, length of left middle finger, length of left forearm, and length of left foot, among 243 pigeon-holes. By an arrangement somewhat similar in principle, upon the determination whether the pattern on each digit taken in turn is a whorl or not a whorl, finger impressions are, in primary classification, rapidly distributed among 1024 pigeon-holes, and effective means of splitting up accumulations by secondary classification are provided.

There seems to be practical agreement among authorities that finger prints constitute the most satisfactory method of

identification yet devised. It has been rapidly gaining on the anthropometric system, Bertillon himself being obliged to recognize its value to the extent of adopting it as a part of his own system. London, after an unsatisfactory experiment in combining the two systems, discarded the Bertillon system in favor of dactyloscopy in 1902. Other important European cities that have done likewise include Amsterdam, Budapest, Dresden, Munich, Rome and Vienna. Berlin and Hamburg employ anthropometry only to a slight degree.²⁹

In the United States, likewise, cities are rapidly adopting finger prints as the most satisfactory means of identification.³⁰ There has been within recent years a large increase in the number of print records in the New York City Bureau of Identification. At the beginning of the year 1918 there were in the files about 300,000 prints as compared with 100,000 in 1913. There were being added approximately 5,000 each month. Most of the prints are of local offenders but many also are received from other cities. Through a basis of coöperation that has been developed, the New York City department receives from the principal cities in this country and in Europe the prints of habitual criminals. A com-

²⁹ For an excellent brief statement relative to the use of finger prints in Europe see Fosdick, *European Police Systems*, Ch. IX.

³⁰ In 1915 there were 110 Bertillon "outfits" and 113 finger print "arrangements" maintained in police departments in the United States. Seventy-two organizations employed both methods, thirty-eight the Bertillon alone and forty-one finger print alone. This does not include prisons, reformatories and other government agencies.—Proc. International Ass'n. Chiefs of Police, 22nd Convention, 1915, p. 15.

plete new steel filing equipment has been installed for the adequate preservation of the records.³¹ Among the other large cities that are making extensive use of dactyloscopy are Chicago, Detroit and Boston.³²

National Bureau of Criminal Identification.

To facilitate the coöperation of city police departments in the matter of criminal identification there is maintained at Washington, D. C., a National Bureau of Criminal Identification. Over 100 cities are sustaining members of this bureau. According to the report of the Bureau for the fiscal year ending May 31, 1916, there were on file in the Bureau approximately 200,000 Bertillon photographs and 50,000 finger prints. During that year 15,248 Bertillon photographs and 10,335 finger prints were received.³³

This is no place for a statement of numerous cases of the identification of important criminals by means of finger prints. The following paragraph from an address of Mr. William A. Pinkerton of the Pinkerton's National Detective Agency will be sufficient to illustrate the manner in which the system is employed:

Last winter in San Francisco an expert burglar robbed several rooms in a leading hotel securing a large amount of valuable jewelry. There was no possibility of getting and identifying the thief; but a few days later an officer of the San Francisco

³¹ See New York Police Report, 1914-1917, pp. 32-33, for an account of this work in New York.

³² See Annual Reports of Police Departments.

³³ Proc. Twenty-third Convention International Ass'n. Chiefs of Police, 1916, pp. 48-54.

police department arrested a man while attempting to dispose of some of the stolen jewelry. This man was a Swede or Norwegian named Peter Johansen, and he positively refused to give any information regarding himself. Through the kindness of Chief White of the San Francisco Police Department, I obtained several copies of this man's photograph and sent them to Europe for identification, together with his finger prints, as it was my idea that this man, who had only been in this country a short time, had come from Europe for the purpose of operating in San Francisco during the progress of the World's Fair. Chief White also wrote to Europe, enclosing pictures and finger prints of him, and we both got replies from Superintendent McCarthy at Scotland Yard identifying the man not alone by his photograph but positively by his finger prints. He gave a long criminal history of Johansen, where he had served time in England, Sweden, South Africa, and Australia. I consider this a marvelous case of identification, as the finger prints taken in all of these different countries compared with those taken in San Francisco.³⁴

It would of course be easy to cite numerous cases where the leaving of finger prints by the criminal at the scene of his crime has later led to his conviction. Recently an Italian was arrested in an Eastern city charged with robbing a loft. A heavy pane of glass had been removed from a door leading to the loft. On this finger prints were detected and after being photographed were found to compare with those of a notorious thief. When the suspect was arrested his finger prints were taken and produced in court as evidence. When thus confronted he confessed that he had removed the pane and committed the robbery.

³⁴ *Ibid.*, p. 28.

The question naturally arises whether there be any likelihood of two sets of prints being identical or so similar that confusion might result. This seems to have been set at rest by painstaking calculations. A French expert, Balthazard, arrived at the conclusion that the chances of such a coincidence can be represented by a fraction having 1 as numerator and 1 followed by sixty zeros as denominator. The numerous points of comparison in a set of finger prints make it practically certain that no two prints will ever be found alike.

Finger Prints as Evidence.

In a number of jurisdictions the highest courts have pronounced in favor of the admissibility of finger prints as evidence.³⁵ In an Illinois case³⁶ one Jennings, convicted of murder, assigned as error the admission of evidence given by finger print experts to the effect that his finger prints corresponded with prints found on a freshly painted porch of the residence where the murder was committed. To this Mr. Justice Carter replied:

We are disposed to hold from the evidence of the four witnesses [finger print experts] who testified and from the writings we have referred to on this subject, that there is a scientific basis for the system of finger print identification and that the courts are justified in admitting this class of evidence, that this method of identification is in such general and common use that the courts cannot refuse to take judicial cognizance of it.

³⁵ Ill., N. J., N. Y.

³⁶ *People v. Jennings*, 252 Ill. 534 (1911).

Evidence has also been received in case of finger prints found on a balcony post;³⁷ of bloody prints on clapboards of a house where a murder had been committed;³⁸ and bloody prints made by a murderer upon a hatchet with which the murder was committed.³⁹ In England and Australia the same rule is followed.⁴⁰ The foundation of these decisions is the common law principle that whatever goes to prove a material fact is relevant and competent.

Advocates of dactyloscopy call attention to the simplicity of the finger printing process as contrasted with the complexity of the process involved in other systems of identification, such as anthropometry. The ease with which prints can be taken⁴¹ should, however, not be allowed to obscure the fact that it requires careful scientific training to secure print impressions at the scene of a crime. A bungling detective may easily destroy such evidence as is available. It thus becomes of the highest importance that all detectives receive adequate instruction in the approved methods of securing and preserving prints. Such training should be given in all police training schools. Needless to say, those members assigned to the bureau of identification should be highly trained experts in the taking and classification of prints.

³⁷ *State v. Commors*, 87 N. J. L. 419 (1915).

³⁸ *People v. Roach*, 215 N. Y. 592 (1915).

³⁹ *State v. Cerciello*, 86 N. J. L. 309 (1914).

⁴⁰ *In re Castleton*, 3 Crim. Appeal Rep. 74; *Parker v. The King* 14 C. L. R. Austr. 681, 3 B. R. C. 68. In the latter case the court pronounced the finger print as "in reality an unforgeable signature."

⁴¹ By means of the Ryan Dactyloplane, finger prints of 854 candidates for patrolmen in New York City were taken in 64 minutes.

CHAPTER VIII

SPECIAL POLICE SERVICE

The Control of Vice.

THERE is no duty placed upon police departments that has proved so baffling, has brought such fierce and often senseless criticism upon its personnel and has been the cause of so much corruption and disgrace as has that of the enforcement of our laws against sexual vice, gambling and liquor selling. The cause of this lies in the fact that among some people there seems to exist a conviction that when vicious acts are not made criminal such acts are in themselves officially condoned. Hence legislators, frequently under the spur of well-organized minorities, hasten to enact laws that prescribe standards which fail of acceptance among a large portion of the people. But it is precisely such laws that police departments are sworn to enforce. That this creates a fundamentally difficult situation, that it furnishes the most subtle temptations to members of the police force can be seen at a glance, but it is a situation that has long existed in American cities and has done much to undermine the morale of the police departments.¹

¹ Professor Goodnow in commenting upon this phase of the police problem has said: "Public opinion seems to justify the passage of statutes upon the enforcement of which that same public opinion does

It has been suggested that such laws be repealed; but it may well be doubted whether the repeal of these laws is within the realm of possibilities. Indeed, recent tendencies point to the conclusion that society will insist upon their more rigid enforcement. It is scarcely conceivable, for instance, that the laws against vice and gambling should be made less stringent. On the contrary, police authorities will probably be given more nearly adequate powers to enforce them and the public will probably insist upon having men of such high character in office that progress in the enforcement of all the laws of the state will result. It appears that the problem consists in securing the personnel and in providing it with ample legal power to suppress these evils rather than in attempting to secure more "liberal" laws for their regulation. If then suppression is the object, what kind of police organization and personnel can be looked to as the most effective instrument to accomplish it?

not insist. The result is a temptation for the police which human nature is hardly strong enough to resist. The police force becomes a means by which the whole city government is corrupted. There has never been invented so successful a 'get-rich-quick' institution as is to be found in the control of the police force of a large American city. Here the conditions are more favorable than elsewhere to the development of police corruption, because the standard of city morality which has the greatest influence on the police force, which has to enforce the law, is not the same as that of the people of the state as a whole which puts the law upon the statute book. What the state regards as immoral the city regards as innocent. What wonder then if the city winks at the selling by the police of the right to disobey the law which the city regards as unjustifiable?" *Municipal Government*, p. 266.

Organization of Special Bureaus.

As in the case of the detective bureau, there are two distinct types of organization that have been followed by cities in regard to police service having to do with the regulation of vice, gambling, and liquor and drug selling: the decentralized and the centralized. The former consists in having the men engaged in this regulatory function operate under the control of the precinct captains who are thus held responsible for this phase of police work as well as for the general police service. The latter consists in having the men engaged in this service operate in special squads responsible to certain officers charged with this particular kind of police work alone. In this form of organization there may be subdivisions by geographical districts but control is not in the hands of the same men who do general police work. A separate hierarchy of officers exists.

These two forms of organization are often combined. Thus precinct officers may be charged with the enforcement of these regulations but there may be also special squads operating throughout the city, the theory being that the latter will act as checks upon the efficiency of the former and will thus enable the head of the department to judge more accurately the efficiency of his men.

The better practice inclines toward the more centralized form of organization. In the first place, the control of vice and gambling is so different from ordinary police work that it requires officers especially qualified for it. In the second place, it requires the most careful kind of supervision which,

it is obvious, the general police officer can not give, burdened as he is with other police functions. Moreover, when special officers are entrusted with this difficult phase of police work responsibility can naturally be more directly placed.

A common practice where the decentralized system of organization is followed is that of having the uniformed force charged with the responsibility of enforcing the laws against gambling, prostitution and the sale of intoxicants. In some cities the members of the patrol force are even required to make physical inspections of saloons, disorderly places and houses of prostitution. That such rules place unnecessary temptations in the way of members of the uniformed force is obvious. Patrolmen are thrown into contact with a sort of work that is exceedingly difficult to supervise and with a class of people who have done much to produce police corruption and dishonesty. The moment uniformed patrolmen are used in connection with the enforcement of vice laws their efficiency as patrolmen is reduced. Permitting them to enter immoral resorts for purposes of observation makes it so difficult to insure adequate supervision over their ordinary patrol work that they become more or less inefficient. The breakdown of discipline can often be attributed to rules that require such inspection. It is indeed difficult to see how a sergeant of police supervising a patrol force can determine whether the visit of a policeman to a saloon or a vice resort is for inspection purposes or for personal reasons.

Not only is this combination of functions disastrous to

patrol work; it is fatal to adequate vice supervision as well, since that work requires a high degree of specialization and skill in the collecting and presentation of evidence — something which is wholly impossible of attainment when this important matter is only an incidental part of a patrolman's functions. Moreover, the strict supervision of the members of the vice squads, which is essential, is practically impossible so long as the men are not wholly occupied with this specific kind of work.

That the uniformed members of the force be relieved of responsibilities for the actual enforcement of statutes regulating the sale of liquor and the suppression of gambling and prostitution cannot, therefore, be too strongly urged. They should not be allowed to enter such premises at all except in order to suppress riots or to make arrests for the commission of crimes.

Reports by Patrolmen.

There is, however, one function in connection with the control of vice and gambling for which the patrol force should be held responsible. Every patrolman, every sergeant and every captain should be held strictly responsible for reporting every place within his district which is suspected of being operated or used for illegal purposes. Such reports should be forwarded directly to headquarters and placed in the hands of the chief for review, and should be made a matter of record in the office of the administrative head of the department. The complaints should then be

forwarded to the vice squad for investigation and action. The principle upon which this plan of suppressing vice rests is that by confining the work to a smaller group of men who can be trusted, closely supervised and observed, temptation is removed from the majority of the force and, to a large degree, unwholesome contact of the patrol service with contaminating influence is prevented. Thus, instead of complaints being referred to the uniformed force, they should originate with the uniformed force and should be investigated by specially chosen squads.

Appointment of Special Squads.

That the men serving upon such special squads should be carefully selected goes without saying. Only those policemen should be assigned to this service whose reputation in the department is above suspicion, who are skillful in securing and presenting evidence, and who have enthusiasm for the work. Assignments should be made by the head of the department acting on the advice of the officer in charge of the vice service.

Supervision of Special Squads.

It is equally important that each member of the squad be carefully supervised. Every complaint received should be recorded and on every investigation made upon the basis of such complaint, there should be made a detailed written report for review by the officer in charge and the head of the

department. The men assigned to this work have duties that are far from being agreeable. No matter how efficient and honest they may be, they are always subject to suspicion, fostered frequently, no doubt, by those whose profits they have disturbed. This danger makes a careful reporting system indispensable. Every step in the investigation of cases should be made a part of the departmental records. It may not be amiss to recall again what was previously stated, viz., that all complaints be recorded and reported on. Unless this is strictly adhered to, adequate supervision by superior officers is out of the question, and without supervision police activity tends to become perfunctory, if nothing worse.

To summarize: the police service having to do with the control of vice, etc., should be organized on a centralized basis, should be responsible to an official who is subordinate to the head of the department and should be composed of a personnel separate from the uniformed force. This group of officers should investigate and take action on all complaints, relative to violations of the regulatory laws, made by members of the uniformed force and by citizens. With such an organization, with a head of the police department interested in enforcing the law, and with a reasonably efficient personnel at least the more obtrusive manifestations of vice and gambling may be kept at a minimum. The absolute suppression of these vices will probably remain an ideal rather than an actuality.

Policewomen.

A movement of recent years, one that is full of promise for the future, is that which seeks to widen the scope of police activities so as to include measures to prevent or minimize the factors which contribute to vice, gambling, and lawlessness. This new service frequently goes by the name of welfare work. In many cities it has led to the introduction of policewomen; in others the work is entrusted to male members of the force.

Policewomen have for many years been employed in a number of European countries, among them Holland, Norway, Sweden, Denmark and Austria. The movement in Germany started in 1903 when policewomen were introduced in Stuttgart. It has rapidly spread so that over forty German cities now employ women as regular police officers. They were at first called upon to deal with prostitutes but have done much other work particularly in connection with the handling of children both in children's courts and as probation officers.²

The women's police service of London was established in 1914 to meet certain new problems arising out of the war. The vast increase in the number of women in employment and their consequent presence on the streets necessitated their protection by the public. Moreover, it was realized that for this particular kind of protective work women are

² D. G. Peto, *Police Work as a Profession for Women*, in *Contemporary Review*, May 1918, p. 533.

by nature better fitted than men. In July, 1915, there were fifty trained women in the corps of women's public service of London; a year later there were one hundred; in July, 1917, over six hundred. The number increased so rapidly that early in 1918 there were between two and three thousand women patrols in London and various cities of the United Kingdom. The movement was strongly backed by prominent and influential women. These women police officers were from the first engaged in several different fields of activity: patrolling, attending police courts, making domiciliary visits, inspecting music and dance halls and other places of amusement, inspecting women's lodging houses and policing munition factories. In the various and trying situations created by such positions the women officers have been considered capable and their services deemed of the highest value.³

In the United States the movement for policewomen had its origin in 1910 when Mrs. Alice Stebbins Wells was appointed as a police officer under civil service in Los Angeles, California. Previous to her appointment Mrs. Wells had made a careful study of crime and had concluded that there was a need for women in the police service. "So she persuaded a hundred of the leading citizens to sign a petition to the mayor asking him to add her to the police force. Luckily she was able to prevent the newspapers and local politicians from hearing of the petition until its actual pre-

³ *Policeman's News*, April 1918; *London Times*, Weekly Edition, December 26, 1919, p. 1189.

sensation, with the result that the mayor and aldermen granted her request.”⁴

Other cities particularly those in the West soon followed the example set by Los Angeles. As years before when matrons were first employed for attendance on women prisoners, there has been strenuous opposition to the employment of women as police officers. But with the trial of the experiment and the almost uniformly good results obtained, opposition has largely melted away. In 1915 the United States Census Bureau reported twenty-five cities that had policewomen paid from police appropriations. Chicago had the largest number, 21; and Baltimore, Pittsburgh, San Francisco, Los Angeles, Minneapolis, Seattle, Portland, St. Paul, Dayton and Topeka had from 2 to 5 each.⁵ Since that time the number has been materially increased.⁶

In all the cities reporting policewomen the protection of young girls and the prevention or minimization of social evils constitute their most important activities. Among the various duties assigned to the policewomen of Chicago are: the return of runaway girls to their homes, the warning of young girls, the suppression of dance hall evils, the suppression of petty gambling in stores frequented by children, the suppression of the sale of liquor to minors, service at

⁴ Maud Darwin, *Police Women and Their Work in America*, in *Nineteenth Century*, June 1914, p. 1370.

⁵ U. S. Census Bureau, *General Statistics of Cities*, p. 18.

⁶ Annual Report Los Angeles Police Department 1918, p. 19. Annual Report Chicago Police Department 1917, p. 10; 1918, p. 9. Annual Report of New York Police Department, 1919, pp. 124-129.

railroad depots, the conducting of investigations and the securing of evidence.⁷

A few illustrations of the work actually done by policewomen in American cities will aid in making clearer the place they may fill in the general scheme of police service.

The first annual report of the bureau of policewomen of Indianapolis filed in July, 1919, shows that over 2500 cases were handled by the bureau. Besides these cases there was supervision of dance halls, motion pictures and parks. One serious problem with which the Indianapolis policewomen have dealt, with good results, is that of the adequate supervision of the downtown rooming houses.⁸ The chief of police testifies that the bureau has demonstrated its usefulness to the police force.⁹

Through the work of the policewomen of Dayton, Ohio, the Young Women's League of the city was persuaded to establish and finance a Policewomen's Home for women and girls who have committed a light offense or who are temporarily stranded financially. This experiment has been a notable success.¹⁰

⁷ U. S. Census Bureau, *General Statistics of Cities*, p. 18.

⁸ *Policeman's News*, June 1919, p. 24.

⁹ *Ibid.*, September 1919, p. 21.

¹⁰ An article appearing in the "Policewoman's Sphere" in the *Policeman's News*, August 1919, p. 27 comments as follows relative to the Dayton Policewoman's Home: "Every day proves to us the value of our dream. The experiment financed by the Young Women's League became so successful that at the conclusion of the first year the city voted \$1200 toward the annual support of the Policewoman's Home. However, the policewomen are still vested with full authority and the Young Women's League continues to work for the home, providing

A similar project has recently been launched in Seattle under the leadership of the Women's Protective Division of the police department. Concerning this work, B. H. Mason, Superintendent of the Women's Protective Division, in a recent article, comments as follows:

The Home is not regarded as a charity and will, as far as possible, be self-sustaining, with a sliding scale of prices for board arranged to accommodate the wage of each girl. Already a number of girls have joined the Rosemary Club who at the time of entrance were without money or work, but were allowed to enjoy the benefits of the Club pending the securing of employment. Its management is somewhat democratic, a committee of girls meeting with the board, or with the House Committee as occasion requires.¹¹

Provision is made for evening classes and various kinds of recreation. The division plans a number of additional homes throughout the city.

What has been said about the kind of work done by police-women indicates that women of exceptional abilities are needed — women who possess not only native tact and resourcefulness but also training in the best methods of handling the many baffling situations that arise from day to day. To quote from Mrs. Alice Stebbins Wells, pioneer American policewoman:

luxuries which the city budget cannot permit. And the board paid by the girls goes toward their support. We feel that this home has been the greatest asset in the work of the policewomen as it so peculiarly meets our needs. For our 'Home' is neither a charitable institution nor a jail — it is simply a home, supplied with home comforts, for the girl who we still believe is worth the saving."

¹¹ *Policeman's News*, May 1919, p. 27.

Police work is quite as honorable inherently as is law or medicine. But it stands to-day, in point of training facilities, where they stood a century ago. Only recently did educational institutions feel the need of helping train policemen. The next twenty-five years will see as great a change in police work as the past century has brought to the professions named. The beginning is evident in the very excellent New York and Chicago police schools, and in the growing desire of universities to meet this need as evidenced in the offers of Northwestern University, University of Minnesota and the University of California and also the interest of schools of civics and philanthropy whose purpose it is to better equip all civic and social workers. Larger centers as Los Angeles, Seattle, Minneapolis, Chicago, Baltimore which now have well-established departments of policewomen, must be willing to act as training centers for those both within and without the city who wish to fit themselves for the work. Under the present circumstances it is as impracticable to look to graduates from schools of civics and other training courses to supply the need for policewomen, as it would be for the public school system to try to recruit its entire teaching force from post graduates of colleges and universities. The main dependence must be placed upon the practical training which can be given in the departments by policewomen now existing in numerous cities. Every well trained policewoman should have some studies in sociology as part of her training.¹²

It goes without saying that if such training and ability is going to be required of policewomen, police departments will be obliged to provide more nearly adequate salaries than they have done in the past, to secure them. The census report of 1915 shows that the salaries paid policewomen were

¹² Present Status and Future Needs—a report before the International Charities and Corrections Meeting.
tional Association Meeting at Indianapolis, 1916, in connection with the

generally between \$800 and \$1200 — though Portland, Oregon, paid one of them \$1860.¹³ Though salaries have been somewhat increased during the last few years the rewards at present are far below those in many lines of work that require far less ability and training than the public expects of its police welfare workers. The experience of those cities which have employed policewomen shows that crime prevention is one of the most important and useful services a police department can perform. Cities should make adequate financial provision for its further development.

In the summer of 1915 there was organized in Baltimore the International Association of Policewomen. The objects of the organization were set forth as follows:

- 1 — To gather information as to the progress of policewomen's work and furnish authentic data in response to inquiries from individuals and communities wishing to establish this work
- 2 — To maintain such a standard of character and efficiency as will attract to the work the highest type of women
- 3 — To advance, as loyal members of the police department, its general service to the community, placing special emphasis upon crime prevention and protective measures for women and children without in any wise interfering with the work as established in any police department. The police-

¹³ U. S. Census Bureau, *General Statistics of Cities*, p. 18.

woman is to coöperate with the police officer in every way — not in any way to usurp his place.¹⁴

Crime Prevention and Welfare Work.

In recent years the police department of New York City has made some interesting experiments in the matter of crime prevention. In January, 1917, a number of precincts were selected for thorough investigations of the causes and conditions responsible for the development of criminality. A patrolman was assigned to this work in each precinct in question. It was found that the delinquency of children under sixteen years of age was caused chiefly by lack of parental control arising from "conditions of poverty, ignorance as to how to bring up children, gross neglect, drunken parents and the loss of one or both parents." During the year a total of 9,300 cases were investigated and remedial action taken.

The police report divides these cases into three classes:

No. 1.	Under 16 years of age	6,780
No. 2.	Between 16 and 21 years of age	2,000
No. 3.	Over 21 years of age	520

About 70 per cent. of Class No. 1 were cases of truancy. The welfare officers were able to correct 95 per cent. of such cases without the necessity of action by the regular truant officers. The following paragraphs, taken from the police report, indicate the character of this work:

¹⁴ Mrs. Ruth Dahnken, editor of the department of policewomen, in *Policeman's Monthly*, Nov. 1916.

About 30 per cent. of those listed in Class No. 1 were charged with juvenile delinquency or suffered as the result of improper guardianship; the specific charges against the boys being petit larceny, crap playing, stone throwing and carrying cans of beer. The girls were mostly charged with loitering around parks and armories. These conditions were corrected by taking the children home and pointing out to the parent and the child the inevitable results of such practices.

In the case of petit larceny, where a complaint appeared, the method of correction had to receive the approval of the complainant. In not more than 2 per cent. of these cases was it necessary to make an arrest. . . .

A visit by the welfare officer to the home of a truant child frequently discloses a destitute condition which is corrected by enlisting the aid of some relief association; stress is laid on the need for immediate action and the elimination of lengthy investigation. In serious cases, where the condition of the children in a home is well nigh hopeless, the Children's Society is called in and proper court action is taken.¹⁵

The main object of the welfare officer in dealing with Class No. 2 is to keep them at work. This requires care and tact. To quote again from the above report:

He [the welfare officer] finds a boy, for instance, about 18 years old hanging around street corners during working hours. The boy may resent police interference in what he considers his private affairs. In this case the officer must be able to convince the boy that he is interested in his welfare, that he is really trying to help him as a friend. If the officer finds it necessary to call at the young man's home he may encounter further resentment from parents on the ground of undue police interference in private business, and here again an opportunity is given him to exercise tact.¹⁶

¹⁵ New York Police Report, 1914-1917, p. 77.

¹⁶ *Ibid.*, p. 78.

Those coming under Class No. 3 include heads of families and young men who are the sole supports of dependents. For these, employment has often been secured though the general inefficiency frequently found among them makes this very difficult.

Crime prevention patrolmen assigned to precincts have often been able to discover conditions which lead young persons astray and to counteract these pernicious influences. Much good has been accomplished in this manner.

The welfare work of the New York City police department was placed early in 1918 under the direction of Mrs. Ellen O'Grady, Fifth Deputy Commissioner, by Police Commissioner Enright. Mrs. O'Grady is the first woman to be appointed to a position of command in the police department. Moreover, the work of investigation, etc., which had previously been done by patrolmen was on March 1 of that year assigned to police lieutenants and sergeants, eligible for retirement. In commending these changes Commissioner Enright has said:

The assignment of these lieutenants and sergeants of over 20 years police experience in place of patrolmen, capable of active duty, has proved a decided improvement. Being superior officers, they may use the men on post to assist them when necessary. They also have the opportunity to influence policemen to view police duty from a preventive and protective standpoint, rather than deferring action until a crime has actually been committed. Eligible for retirement in nearly every case, the city obtains their services for actually one-half

their salaries, and keeping them off the pension roll is an additional advantage to the department.¹⁷

During the first six months of 1918, 6,709 cases of truancy, destitution, delinquency and employment were investigated by this bureau. In 75 per cent. of the cases investigated follow-up work was done. Arrests were necessary in only 2 per cent. of the cases. Other services performed by the welfare bureau consist in looking after paroled prisoners and in securing employment for persons "comprising men who had been in prison, men and women with slight mental or physical defects and boys and girls with a distaste for steady employment."¹⁸

Among the other kinds of welfare work should be mentioned that of helping ex-convicts in their search for employment and of acting as parole officers. During the period from July 16, 1916, to the end of 1917, the New York Parole Commission placed 1,558 prisoners in charge of parole policemen. Of these 750 earned their release conditionally or in full.¹⁹

The numerous kinds of welfare work mentioned show conclusively that a new idea is rapidly gaining ground in police departments. The older theory of suppression is being replaced by the ideal of crime prevention now generally recognized as the highest and best kind of police work. It is true that this service is still in its first and experimental

¹⁷ Semi-Annual Report of the Police Commissioner, New York City, July 1, 1918, p. 27.

¹⁸ *Ibid.*, p. 27.

¹⁹ New York Police Report, 1914-1917, p. 73.

stages but the progress already made speaks eloquently of the possibilities offered police departments in the progressive improvement of living conditions in our cities.

Dealing with the Subnormal.

It has long been recognized that many persons taken into custody by the police department for the commission of offenses are not of normal mentality. In general, however, there have been no means available of testing such persons and of giving them the proper kind of treatment. All prisoners have been treated alike. To remedy this obvious defect there was established in the New York City police department in 1916 a psychopathic laboratory for the examination of persons arrested who showed signs of mental abnormality and to report its findings to the court before which such persons were to be arraigned. The laboratory was placed in charge of a number of doctors assisted by psychiatrists and psychologists. Besides the persons arrested by the police the laboratory had persons sent to it by judges of criminal courts. Concerning the results of the examinations made, Commissioner Woods states:

Most of those examined have been criminals of the feeble-minded, mentally deficient, or slightly abnormal type, and special care has been taken to investigate cases of those charged with sex offenses, attempted suicide, and arson. Of those examined 6 per cent. were insane, 16 per cent. mentally deficient, 13 per cent. drug addicts, 45 per cent. abnormal persons suffering from a latent or obscure neurotic condition, the remaining 20 per cent. not being obviously abnormal. The great ma-

jority of them had a child's mind in a man's body, and were consequently a great danger to the community.²⁰

Similar work has been successfully carried on in the police departments of Berkeley, California and Baltimore.

That persons of the types mentioned should be treated as those of normal mentality seems entirely unreasonable; yet this is precisely what has been done. The worst thing that can be done with them is to send them to jail with other criminals there to become worse criminals than before. They obviously belong in hospitals where they may receive medical treatment. The psychopathic laboratory promises thus to aid in the solution of a serious social problem.

²⁰ New York Police Report, 1914-1917, p. 83.

CHAPTER IX

ARRESTS

No matter how efficient the various divisions of a police department may be, there will always be those who violate the law. Here is where another important rôle of the police force comes into play. Although the making of arrests is not, as is frequently believed, the only important function of a police force, it is nevertheless one upon the proper performance of which the efficiency of the force largely depends. In a city where policemen are efficient in the apprehension of criminals there is little inducement for vicious elements to congregate. It is, therefore, proper to consider in general the powers and duties of the police in the making of arrests and the procedure they follow in doing so.

Crimes.

It is the duty of police officers to arrest persons who commit crimes.¹ A crime is an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine, removal from office, disqualification to hold any office of trust, honor or profit under the state, or other penal discipline. A crime is a public wrong.

Crimes are generally classified into felonies and mis-

¹ See *supra*, pp. 5-6.

demeanors, a felony being a crime punishable by death or by imprisonment in a state prison, and a misdemeanor being any other crime.² Treason and murder in first degree are felonies of the highest class and are punishable by death while murder in the second degree, manslaughter, arson, burglary, assault, etc., are punishable by imprisonment in a state prison. Disorderly conduct, petit larceny, disturbing a public meeting, malicious destruction of property, committing a nuisance, are examples of misdemeanors.³ It is necessary to bear in mind this classification of crimes into felonies and misdemeanors since the powers and duties of police officers in making arrests are different in the two cases.

Definition of Arrests.

When applied to criminal proceedings an arrest may be defined as the apprehension or detaining of a person that he may be forthcoming to answer for an alleged or suspected crime;⁴ as the taking, seizing or apprehending of a person by virtue of legal process issued for that purpose;⁵ or as

² New York Penal Code, Sec. 2; Blackstone says: "A crime, or misdemeanor, is an act committed, or omitted, in violation of a public law, either forbidding or commanding it. This general definition comprehends both crimes, and misdemeanors; which, properly speaking, are mere synonymous terms; though, in common usage, the word 'crimes' is made to denote such offenses as are of a deeper and more atrocious dye; while smaller faults, and omissions of less consequence are comprised under the gentler name of 'misdemeanors' only." 4 Com. 5.

³ See Alexander, *Law of Arrest*, p. 11.

⁴ Bouvier's Law Dictionary, Vol. I: 243.

⁵ *Montgomery County v. Robinson*, 85 Ill. 74.

the taking of a person into custody that he may be held for a public offense.⁶

The leading element involved in the making of an arrest consists in assuming control over the party arrested. Such control may be assumed with or without the consent of the person arrested and may thus be peaceable or forcible.

The courts have held that the mere utterance of words to the effect that there is an intention of making an arrest is not sufficient.⁷ Nor is the mere reading of a warrant in itself sufficient, it having been held that the mere request to appear before a magistrate not accompanied by an actual taking into custody, does not constitute an arrest.⁸ On the other hand, it is not necessary that there be physical restraint or manual touching where the person submits to the officer's authority and recognizes himself under the latter's control.⁹ When, however, an officer duly authorized lays his hand on a prisoner with the intention of apprehending him, the arrest is made even though the officer may not succeed in stopping or holding the prisoner.¹⁰ So long as the act was performed with the intent of making the arrest and was so understood by the person sought, the arrest is considered as having been made. There must be a consciousness of a restraint of liberty but there should be no more restraint

⁶ *Rhodes v. Walsh*, 55 Minn. 542.

⁷ *Hill v. Taylor*, 50 Mich. 549; *Searls v. Viets*, 2 Thomps. & C. (N. Y.) 224.

⁸ *Baldwin v. Murphy*, 82 Ill. 485.

⁹ *Gold v. Bissell*, 1 Wend. (N. Y.) 210.

¹⁰ *Whitehead v. Keyes*, 3 Allen (Mass.) 495.

than is necessary for the accomplishment of the purpose.¹¹

Blackstone enumerates ¹² four ways in which an arrest may be made, viz: by warrant; by an officer without warrant; by a private person also without warrant; and by an hue and cry. The New York Criminal Code ¹³ provides for arrests: by a peace officer under a warrant; by a peace officer without warrant; and by a private person. We are concerned only with the two first mentioned, by an officer under a warrant and by an officer without a warrant. The former will be examined first.

Arrests with Warrants.

A warrant of arrest is a written order in the name of the people and signed by a competent magistrate commanding the arrest of the person named in the warrant on grounds stated therein and the bringing of the person arrested before the magistrate or other proper officer. A warrant is ordinarily directed to peace officers including policemen but in special cases to a private person. It is issued only when the magistrate is satisfied from the depositions taken that the crime complained of has been committed and when there is reasonable ground for believing that the person named in the warrant actually committed it. The purpose of a warrant is fulfilled when the person is brought before the magistrate to answer the alleged crime.

¹¹ N. Y. Code Crim. Proced., Sec. 172; *People v. Bingham*, 57 Misc. (N. Y.) 70.

¹² 4 Com. 289.

¹³ Sec. 168.

There are several kinds of warrants of arrest such as a governor's warrant in extradition, bench warrants, coroner's warrants, but the one with which the police officer is generally concerned is the ordinary warrant of arrest¹⁴ which is substantially as follows:¹⁵

County of

In the name of the people of the State of
to any peace officer in the of

Information, upon oath, having been this day laid before me that the crime of has been committed, and accusing thereof,

You are therefore commanded forthwith to arrest the above named, and bring him before at

Dated at, this day of,
19....

.....
Justice of the Peace.

In New York when the accused person has been indicted by a grand jury but is not yet in custody the ordinary warrant is issued by a judge of the supreme court, county court, court of general sessions, city court or by the district attorney; when the arrest is made under a warrant issued on information, magistrates of the lower courts such as the court of special sessions, city magistrates' courts, police court, justice's court, issue the warrant.¹⁶

A warrant of arrest to be valid must contain the name of

¹⁴ See Alexander, *Law of Arrest*, pp. 18-23.

¹⁵ See N. Y. Code Crim. Proc., Sec. 151.

¹⁶ See Alexander, *Law of Arrest*, p. 20.

the person to be arrested; a declaration that a crime has been committed in respect to which the issuing magistrate has authority to issue a warrant; the time of issuing it; the place where it is issued; and the name of the magistrate and his office.¹⁷ Only the first two of these matters need explanation.

When the name of the person sought is known it must be inserted in the warrant; when the name is not known the laws often grant the right to use a fictitious name instead. Thus the New York code provides that:

The warrant must specify the name of the defendant, or if it be unknown to the magistrate, the defendant may be designated therein by any name.¹⁸

This allows the use of what are commonly known as "John Doe" warrants commanding the arrest of "John Doe, the name Doe being fictitious, real name unknown, but whom deponent can identify." John Doe warrants are necessary because of the extreme difficulty of ascertaining the correct names of criminals, who frequently assume a variety of names. Where the statutes authorize such warrants so long as the officer executing the warrant serves it on the proper person the procedure is legal. Thus under the above section of the New York code, the court held that under a John Doe warrant, an officer could lawfully arrest a person of different name where there was nothing in the return to a writ of habeas corpus taken out by the person arrested to show

¹⁷ *Ibid.*, Ch. 5; also N. Y. Code Crim. Proced., Sec. 152.

¹⁸ Sec. 152; 51 L. R. A. 219 note.

that any of his substantial rights had been violated.¹⁹ Concerning this matter Alexander says:

While the methods of bringing a criminal before a magistrate for examination, charged with the commission of a crime, are not very material, if they conform substantially to the law, and the defendant is not prejudiced thereby in some substantial right, yet, liberty must not be taken away from even suspected criminals except upon just cause and in due form. While mistakes are certain to occur, which are frequently costly, great care may avoid them. Every effort should be made, both for the protection of the one arrested and the one arresting him, to identify in some reasonable manner the person to be arrested.²⁰

The United States Supreme Court has said:

The principle of the common law, by which warrants of arrest, in cases criminal or civil, must specifically name or describe the person to be arrested, has been affirmed in the American constitutions; and by the great weight of authority in this country, a warrant that does not do so will not justify the officer in making the arrest.²¹

It may be concluded, therefore, that the warrant must specify the name of the defendant unless the law allows fictitious names; and that under such a warrant the proper person, if identified, may be arrested.²² If the name of the accused is not known he should be described as accurately as possible by a statement relative to his personal appear-

¹⁹ *People ex rel. Friedman v. The Warden*, 37 Misc. 676.

²⁰ Alexander, *Law of Arrest*, p. 44.

²¹ *West v. Cabell*, 153 U. S. 78.

²² *People ex rel. Sampson v. Dunning*, 113 App. Div. 35 (N. Y.).

ance, residence, height, age, complexion, and distinguishing characteristics. The officer who arrests the wrong person is liable to punishment for false arrest. He must arrest the person wanted and no one else.

Warrants of arrest need not contain the facts upon which the accusation is based, but must specify clearly the nature of the offense. The prisoner should be clearly informed of the reasons for his arrest and of the offense for which he is to be tried. Crimes may be designated under their common names such as larceny, manslaughter in first degree, abortion, assault and battery, etc. A warrant which states that "information upon oath having been this day laid before me that the crime of malicious trespass upon lands owned or occupied by.....has been committed, and accusing.....thereof" is sufficient in form.²³ When, however, the offense is based upon a special statute the facts which show a violation of the statute should be stated in addition to the section of the law itself. Charging a person with the violation of a certain liquor law is insufficient. The warrant should state that the defendant is accused of doing a certain specific act or of violating a certain specific section of the law in question or even both.²⁴ The purpose always aimed at is a clear statement of the nature of the offense. This is accomplished in the former cases by naming easily recognized crimes such as, assault, robbery, etc., in the latter by giving the definite provision of the law,

²³ *People v. Upton*, 29 N. Y. State 777; 9 N. Y. Supp. 684.

²⁴ Alexander, pp. 45-46; also Philadelphia Patrolman's Manual, Sec. 180.

alleged to have been violated, accompanied by such words as make sufficiently clear the nature of the offense.

When an officer makes an arrest under a warrant it is necessary that he have the warrant in his possession. It is not sufficient that it has been issued or even that the person accused be informed of that fact. The officer must have the warrant with him. This was definitely decided in New York in the case of *People v. Shanley*.²⁵ In that case the defendant was convicted of assault for resisting a police officer attempting to arrest him for a misdemeanor not committed in the officer's presence. The warrant of arrest had been issued and was in the office of the chief of police. The defendant recognized the officer to be such and was aware that the warrant had been issued. The lower court in convicting the defendant charged that the warrant was constructively in the possession of the police officer and declined to charge that it was the duty of the officer to make known his authority. In reversing this decision the court said:

Section 173 [Code of Criminal Procedure] provides that "the defendant must be informed by the officer that he acts under the authority of the warrant, and *he must also show the warrant*, if required." This language would seem to be conclusive on the question before us. For, if the officer must show the warrant, if required, then it is plain that it must be in his actual possession. It would be absurd to construe this section to mean that after making the arrest the officer must, if required, take the defendant to some other place (it may be a mile or so distant) and there show him the warrant.

²⁵ 40 Hun. 477.

The section means that when the defendant is informed by the officer that he acts under the authority of the warrant, the defendant may require him to show it and he must then show it. *Constructive* possession, for which the people argue, that is, the existence of the warrant in the office of the chief of police, would lead to *constructive* showing of the warrant. "Constructive" is a dangerous word. If the legislature had meant that the officer should *constructively* show his warrant, it would have been simpler to say that he need not show it at all. Plainly, then, when the legislature speaks of arrest by a peace officer, *under a warrant*, they understood that the warrant should be in the possession of the officer in such manner that it might be shown to the defendant at the time of making the arrest.²⁶

As a general rule an officer making an arrest under a warrant must show his warrant if the defendant requires it. He need not, however, do so until the prisoner has been subjected to control. Moreover, if in the officer's opinion it is difficult or dangerous to show his warrant the arrest is not invalidated by failure to do so. But whenever it is safe or reasonable the officer should allow the prisoner to read the warrant, should read it to him, or have some other person do so. Although theoretically it would appear that showing the warrant should come first and the arrest second the practical situation calls for precisely the opposite procedure.²⁷

It has been stated above that the chief element in making an arrest consists in gaining control over the body of the

²⁶ *Ibid.*, p. 478.

²⁷ See Alexander, *Law of Arrest*, Ch. 6; *Commonwealth v. Cooley*, 6 Gray (Mass.) 350; *State v. Townsend*, 5 Harr. (Del.) 487.

person arrested. For the accomplishment of that object the necessary force may be used. Thus the New York code says that "if the defendant flee or resist, the officer may use all necessary means to effect the arrest." Just what means are necessary depends upon the particular facts of each case. In this matter the officer must use his own discretion, always doing so at his own risk, for if he uses more force than is necessary he may be held liable both civilly and criminally. It is left for the jury to determine whether unnecessary force has in fact been used. Needless to say, it is bad policy for an officer to attempt to bulldoze a prisoner or to handle him with unnecessary harshness. He may use handcuffs, when he thinks it necessary, either to protect himself or to prevent the prisoner's escape. Moreover, when a felony has actually been committed an officer is justified in taking the felon's life provided there is actual necessity for so doing; if there is not, the officer will be liable for murder or manslaughter. In the case of misdemeanors the officer may employ all necessary force short of taking life.²⁸

If at any time an officer thinks that he cannot without aid effect an arrest he has the right to summon bystanders to help him. Every person thus summoned must aid in the execution of the warrant. Refusal to do so constitutes a misdemeanor. However, a bystander who has not been summoned has no authority to aid in an attempted arrest.²⁹

Moreover, an officer making an arrest under a warrant

²⁸ Alexander, *Law of Arrest*, pp. 50-51; New York Code Crim. Proc., Sec. 174; Philadelphia Patrolman's Manual, Secs. 140-141.

²⁹ Philadelphia Patrolman's Manual, Sec. 144.

may, after due notice of his authority and purpose, break open an outer or inner door or window if he is refused admittance and he has reasonable cause to believe that the person sought is within the building. He must, however, act in good faith. He may also break open an outer or inner door or window of any building for the purpose of liberating a person who, having entered the building for the purpose of making an arrest, is detained therein or when it is necessary for his own liberation. He may do likewise in executing a search warrant.³⁰

If the crime charged in the warrant is a felony the arrest may be made on any day and at any time of the day or night. If on the other hand it is merely a misdemeanor it cannot be made on Sunday or at night unless by the direction of the magistrate.³¹ The purpose of this common provision is to prevent the making of arrests for petty offenses except during such hours as the magistrate is in court and can summarily dispose of them. In such cases offenders are entitled to bail as a matter of right and not because of the favor of the court.³²

Relative to the place where warrants may be executed the

³⁰ N. Y. Code Crim. Proced., Secs. 175, 176.

³¹ *Ibid.*, Sec. 170.

³² "The plain intendment of the statute is that for the commission or attempted commission of a felony and where the officer has reasonable cause for believing the person guilty of a felony, he may arrest without a warrant at any time; but where the offense committed is of the grade of misdemeanor, the officer may only arrest the offender where it is committed or attempted in his presence; but where not so committed he must apply for a warrant, which cannot be executed at night or on Sunday without the direction of the magistrate indorsed on the warrant. Unless the magistrate becomes satisfied that the

New York code provides that if the warrant is issued by a justice of the supreme court, recorder, city judge or judge of a court of general sessions in the city and county of New York, or by a county judge, it may be directed generally to any peace officer in the state, and may be executed by any of those officers; but if it is issued by any other magistrate, it may be directed generally to any peace officer in the county in which it is issued, and may be executed in that county. If the defendant is in a different county, it may be executed in that county upon the written direction of a magistrate in such county indorsed upon the warrant. If the crime charged is a felony the officer making the arrest must take the defendant before the magistrate who issued the warrant or before some magistrate in the same county; if however, the crime is only a misdemeanor and the defendant is arrested in another county, the officer must, upon the request of the defendant, take him before a magistrate in that county who must admit him to bail for appearance before the magistrate named in the warrant.³³

offender intends to make an effort to escape or secrete himself, or that some other good cause exists, it is the evident purpose of the law that he should not direct the arrest for misdemeanor at night or on Sunday. When we consider that all petit offenses are included in the class of misdemeanor and that the defendant is entitled to bail upon such charges as a matter of right and not by favor of courts, we see the wisdom of the enactment which preserves to the citizen whose presence can be at all times secured the right to be called to answer only during the hours when magistrates are required to be in attendance to either dispose of their case or accept the bail which the statute gives the defendant the right to offer." *People v. Bradley*, 58 Misc. (N. Y.) 508-9.

³³ See N. Y. Code Crim. Proced., Secs. 155-159.

When an officer arrests under a warrant he must dispose of his prisoner as the warrant prescribes. He may keep him only a reasonable length of time and his duty ends only when his prisoner has been discharged, admitted to bail or committed to jail.³⁴ He must make due return to the court or magistrate of each warrant he serves, the usual form being as follows:

I have arrested the within named defendant, and have him here in my custody as within commanded.

Dated, etc.

.....³⁵

Arrests Without Warrants.

At common law, sheriffs, justices of the peace, coroners, constables and watchmen were authorized to make arrests in certain cases without a warrant,³⁶ and this right has generally been extended to peace officers created by law. Policemen have generally the same authority in this matter as have watchmen.³⁷ Doubtless the origin of this right is to be found in the fact that summary action is sometimes necessary so as to prevent the escape of offenders during the delay incident to securing a warrant.³⁸ Thus a peace officer could arrest without a warrant any one whom he found committing or attempting to commit a felony in his presence. Further, he could arrest so as to prevent the commission of a

³⁴ 3 Cyclopedia Law and Procedure, p. 895.

³⁵ Alexander, p. 62.

³⁶ 4 Bl. Com. 292.

³⁷ *State v. Evans*, 161 Mo. 95.

³⁸ See *Porter v. State*, 124 Ga. 297; 2 L. R. A. (New Series) 730.

felony, and finally he could arrest if he had reasonable grounds for suspecting that a person was guilty of committing a felony. For a misdemeanor the officer could arrest without a warrant only in the case of breach of the peace in his presence. For arrests made because of the violation of municipal ordinances a warrant was necessary.³⁹

The foregoing rights of peace officers have been considerably modified through legislation. Thus the New York Code of Criminal Procedure provides that an officer may arrest a person without a warrant :

- 1 — For a crime, committed or attempted in his presence ;
- 2 — For a felony committed by such person although not in the officer's presence or within his view ;
- 3 — For a felony committed by some one not in his presence but where he has reasonable cause for believing that the person to be arrested has committed it.⁴⁰

Where the crime is committed in the officer's presence it is his right and duty to make the arrest without a warrant. The ground for such summary action lies in the theory that the officer who sees the commission of a crime has the best evidence obtainable and hence does not need the protection of a warrant before taking action. It applies to both felonies and misdemeanors, and represents an enlargement of an officer's common law rights in the latter case.

³⁹ See 4 Bl. Com. 292-3.

⁴⁰ N. Y. Code Crim. Proced., Sec. 177.

In the second case — where a felony has been committed by the person to be arrested but not in the officer's presence he must make the arrest after he has satisfied himself through reliable information that the person in question actually committed it. If the person thus arrested, however, did not commit the felony the officer becomes liable for false arrest.⁴¹

In the two cases just mentioned the power of the peace officer and that of a private person are precisely the same. Both may arrest without a warrant for crimes committed in their presence and both may arrest for felony when the person has actually committed the felony not in their presence.⁴² In addition to this, however, the peace officer may arrest a person whom he believes, on reasonable grounds, to have committed a felony when a felony has actually been committed by some one.

If, however, a felony has not been actually committed no arrest may be made however reasonable and reliable the officer's information may seem to him. The officer must know that a felony has been committed; it is his business to find out for himself; no mere suspicion is sufficient. If he cannot be sure he should apply for a warrant and thus place the responsibility upon the magistrate.⁴³

Generally speaking, a police officer cannot in the absence of a governing statute arrest without a warrant for violations of municipal ordinances committed in his presence, so long as there is no breach of the peace or a material in-

⁴¹ Alexander, p. 64.

⁴² N. Y. Code Crim. Proced., Secs. 177 and 183.

⁴³ Alexander, pp. 63-66.

terference with public safety or convenience.⁴⁴ However, the authority of peace officers has in some jurisdictions been extended to cover breaches of such ordinances committed in the officer's presence.⁴⁵ Thus the charter of New York City provides that :

The several members of the police force shall have power and authority to immediately arrest, without warrant, and to take into custody, any person who shall commit, or threaten, or attempt to commit in the presence of such member, or within his view, any breach of the peace or offense directly prohibited by act of legislature, or by any ordinance made by lawful authority.⁴⁶

This covers all acts made criminal by the state and the city and includes penal laws, ordinances of the city, the sanitary code, and traffic regulations.

Being conservators of the peace the members of the police force may arrest without warrant for a breach of the peace in their presence. A breach of the peace is a violation of public order. It includes among other things reckless driving in the streets, riotous assemblies, fights, disturbing lawful meetings, discharge of firearms, etc. Many such offenses are made misdemeanors by law and are punished as such. When there is no specific name or punishment provided by law an offense may be called breach of the peace and punished as a misdemeanor.⁴⁷

⁴⁴ *Commonwealth v. Wright*, 158 Mass. 149; *Tillman v. Beard*, 121 Mich. 475.

⁴⁵ *Venceman v. Jones*, 118 Ind. 41.

⁴⁶ Sec. 337.

⁴⁷ Alexander, pp. 68-69.

In addition, it may be said that the peace officer has the right to arrest without warrant any person who makes an assault upon him or who interferes with him while he is engaged in the performance of his public duties as an officer.⁴⁸

In making an arrest without a warrant an officer follows the same procedure used in arresting under a warrant. He may use as much force as is necessary in order to effect his purpose. In case of felony he may take life if necessary; in case of misdemeanor any force short of taking life. He may call upon bystanders to aid him and they are bound to respond. To make an arrest the officer may break doors and windows as in case of arrests under a warrant. He must inform the person arrested of his authority and of the cause for his action except when taken at the actual time when the crime is committed.

In general, an arrest without warrant should be made as soon as possible after the commission of the crime.⁴⁹ In the case of a misdemeanor, if the officer fails to do so, he must secure a warrant to arrest the offender later,⁵⁰ provided he allowed him to go through his own fault. For crimes committed in an officer's presence an arrest may be made at any time during the day or night. The same is true in the case of felonies not committed in the officer's presence. Thus the New York code provides that an officer may arrest a person at night without a warrant if he has

⁴⁸ *Leddy v. Crosman*, 108 Mass. 237.

⁴⁹ *Porter v. State*, 124 Ga. 297.

⁵⁰ *State v. Lewis*, 50 Ohio St. 179.

reasonable cause for believing him to have committed a felony, and, further, that he is justified in doing so even though it afterward appears that a felony has been committed but not by the person arrested.⁵¹

As in the case of an arrest under a warrant the prisoner arrested without warrant should be taken as soon as possible before a magistrate in the district in which the crime was committed. If the officer deems it unwise to leave his post he may deliver his prisoner to other officers who convey him to a place of detention awaiting the arraignment before the magistrate. When the prisoner is brought to such place of detention the facts concerning the arrest are entered upon the proper record. The custody of the prisoner ends only with his being taken before the magistrate who may discharge him, admit him to bail, or commit him to jail in accordance with the particular facts of the case.⁵²

Although the graver crimes, those usually known as felonies, demand the services of the detective division of the police service, the members of the uniformed force make a considerable number of arrests for such offenses. During the year 1916, for example, the uniformed members of the New York police department made nearly one-half the arrests for felonies, to be exact, 10,080 out of a total of 20,930; in 1915, 10,923 out of a total of 23,171; and in 1914, 11,300 out of a total of 23,628.⁵³ Under ordinary circumstances the uniformed patrolman does not hesitate

⁵¹ Sec. 179.

⁵² See Alexander, Art. III, pp. 63-87.

⁵³ See Annual Reports of Police Department.

to make arrests for these more serious crimes. It is only when the force is notoriously corrupt, when the members are in league with the vicious elements, that there is a "policy" in regard to arrests for such offenses.

In the case of misdemeanors, however, a different condition obtains. Laws are frequently passed by legislatures, designed to elevate the public morals, to set up standards of action out of harmony with the beliefs of large portions of the population. Now it is clear that in such conditions the question of the enforcement of these laws becomes one of considerable difficulty. This is especially true because of the ease with which certain of these laws lend themselves to purposes of blackmail. Indeed, much of the corruption which investigations of American police departments have disclosed, has been directly traceable to the policy of writing into laws provisions which have been believed unenforceable, but which have placed within the reach of corrupt police officials opportunities for unlimited private gain.

There are also many municipal regulations, the strict or liberal enforcement of which often rests within the discretion of the police officer, and unless there is the strictest and most conscientious police supervision there will be cases of blackmail as the result of that discretion. Concerning the failure of policemen to take the proper action in misdemeanor cases, Dr. Fuld says:

It is true, the policeman is a public officer and a perfect administrative supervision would tend to crush all blackmail, but until we can get such an administrative supervision, the

remedy must be sought in securing such laws as will leave to the subordinate police officers only a minimum of discretion. The real blame attaches not to the policeman who accepts a bribe temptingly offered him, nor to the bribe-giver who seeks by giving a bribe to make the best possible business arrangement, but rather to the law, which by giving the police a large and uncontrolled discretion in the enforcement of the law places a premium upon bribe giving and bribe taking.⁵⁴

Another factor which tends to reduce the number of arrests for misdemeanors is to be found in the fact that the police officer is often obliged to spend his off time in court prosecuting persons whom he has arrested. As Dr. Fuld has pointed out, this personal consideration acts as a powerful deterrent to hasty and needless arrests, but also frequently prevents policemen from making arrests in misdemeanor cases when such action should be taken. To reduce the time spent in court by the members of the force, as far as possible, and to secure greater efficiency in presenting cases on trial a number of New York police lieutenants were some years ago assigned to the busier Magistrates' Courts. Where a policeman made an arrest at the request of a civilian for the alleged commission of a crime out of the sight of the policeman, the officer's presence was not required during the trial since he had no personal knowledge of the facts of the case. When a patrolman took a prisoner to a court to which a lieutenant was assigned he merely turned over the prisoner to that officer and was at once free to return to active duty. The lieutenants ar-

⁵⁴ *Police Administration*, p. 133; see also pp. 131-132.

ranged the calendar so as to allow the cases in which arrests were made by officers on duty all night to come first, thus allowing the officers to leave earlier and to get more rest.⁵⁵

Needless Arrests.

Although there are thus doubtless very many crimes for which police officers make no arrests because of various reasons, there are also many needless arrests. This is indicated by the fact that a large percentage of arrests result in dismissals. For this, however, it is impossible to place all the blame on the police department since it may be due to a lack of coöperation on the part of police courts.

The extent of needless arrests is indicated in the report of the Chicago City Council Committee on Crime. It appears that during the year 1913 the criminal branches of the Municipal Court of Chicago disposed of 121,333 cases. Of these, 57.5 per cent. resulted in dismissals. Over 60 per cent. of all felony cases were dismissed in the preliminary hearings alone. The grand jury and criminal court dismissed many others. In 1912 the conviction on felony charges amounted to only 13 per cent. of the number of preliminary hearings. Thus 87 per cent. of the felony cases resulted in dismissals. Upon this situation the report comments as follows:

The hardships and waste of this system are obvious. Following the assumption that those discharged are innocent, then

⁵⁵ See Police Report, New York, 1914-1917, pp. 40-1.

57 per cent. of all the 121,333 persons who were brought into the Municipal Court for felonies, for misdemeanors, or for violations of ordinances, were innocent and should not have been brought into court at all; that is, more than 60,000 persons were brought into court needlessly. Nearly all of these persons had been arrested, many thousands of them had spent hours at least in the police stations, many hundreds had spent weeks or months in the County Jail. They had all had the humiliation and expense of being arrested and tried, and the taxpayers had borne the cost of the police who arrested them, of the police stations or jails that had detained them, of the courts and judges and other court officials who had been part of the machinery that tried them. There is more than this to be considered. Unjustified arrests and imprisonment create a disrespect for the law that in turn breeds lawlessness.⁵⁶

Nor is this situation an isolated case. In the year 1915-16, exclusive of persons arrested because of drunkenness and those arrested on suspicion but not charged with offense, there were arraigned in the police courts of San Francisco 34,603 persons of whom 28,203 or 81.5 per cent. were discharged by the judges. Of 3,039 arrests for felonies, 2,147 resulted in dismissal. A considerable number of these arrests were made on warrants over which the police had no discretionary authority. Yet the fact that 81.5 per cent. of the persons arrested were discharged by the police court indicates that there were many needless arrests or that there was a serious lack of coöperation between the police department and the courts.^{56a}

⁵⁶ Report of Council Committee on Crime, Chicago (1915), p. 43.

^{56a} New York Bureau Municipal Research, *Survey of San Francisco*, p. 185.

The Summons.

The use of the summons authorized in New York by the passage of the Inferior Courts Act of 1910 has effected a considerable diminution in the number of needless arrests. In 1909 some 60,000 persons in Manhattan and the Bronx alone were imprisoned over night only to be discharged the following morning because of a lack of proper complaints against them. It is needless to point out the injustice of such a procedure. Nothing could be better calculated to create contempt for law and for court procedure than to cause so many to suffer the ignominy and inconvenience of arrest when they are innocent of crime. The summons is for practical purposes the same as a warrant except for the fact that the accused is not taken into custody. When a complaint is made to a magistrate, and he is not convinced that there is sufficient reason for issuing a warrant of arrest but thinks the public interest requires an investigation, he issues a summons which reads as follows:

CITY MAGISTRATES' COURT OF THE CITY OF NEW YORK
 Division District
 In the Name of the People of the State of New York.
 To

Complaint having been made this day by
 that you (stating briefly the acts complained of, or the offense concerning which the complaint is made),
 YOU ARE HEREBY SUMMONED TO APPEAR before me, or the City Magistrate holding this court, at (location of court)
 on the day of 19, at o'clock,
 .. M., to the end that an investigation may be made of said complaint; and upon your failure to appear at the time and

place herein mentioned, you are liable to a fine of not exceeding twenty-five dollars.

Dated at

the day of 19....

.....

City Magistrate.

The summons contains the name of the complainant indorsed on it and may be served by him or by any peace officer. It may, moreover, be made out in blank signed by the Chief Magistrate and delivered to any peace officer. When properly filled out by such officer, countersigned by him, and served on the person addressed it has all the force of a summons issued directly by the magistrate.⁵⁷ All summonses are numbered and the stubs show the particulars which caused their issuance. One stub goes to the magistrate and the other is kept by the officer issuing the summons.

Since 1912 the number of summonses issued in New York has more than doubled. In 1916 there were issued over 77,000. The system has met with the approval of authorities who state that its use has materially reduced the number of needless arrests and has thus eliminated much hardship. The Report of the New York Criminal Courts Committee contains the following regarding the success of the system:

The use of the summons, which has proved so beneficial in practice, has been extended by providing that the summons may be used in cases of violations of the Sanitary Code or failure to observe regulations of the various City Departments, thus

⁵⁷ Alexander, pp. 104-106.

permitting such cases as spitting on the sidewalk and smoking in the subway to be brought to court by summons and not subject offenders, who in such case generally err through thoughtlessness or ignorance, to the ignominy of arrest.⁵⁸

The 1914 Annual Report of the New York City Magistrates' Courts (First Division), speaks in an equally approving manner:

The extended use of the summons is one of the great advancements made in these courts. Most defendants stopped by the police for speeding are not arrested and taken to the station house but are handed a summons to appear in court the next day. In a large number of violations of ordinances and other trivial offenses the same procedure holds good. It is very rare that a summons is disobeyed. This practice saves a large number of needless arrests of innocent people and persons guilty of trivial and technical offenses.⁵⁹

The extensive use of the summons system has incidentally reduced considerably the abuse of the professional bondsman who makes it a business to furnish bail for a money consideration which he often divides with the police officer authorized to accept bail.⁶⁰ To diminish this abuse is in itself a highly desirable end.

Police Courts.

When a person is arrested while the police court is in session he is taken at once before a magistrate for a hearing.

⁵⁸ Quoted in Report of Chicago Council Committee on Crime (1915), p. 43.

⁵⁹ P. 17.

⁶⁰ For abuses of professional bondsmen see Fuld, *Police Administration*, pp. 134-138.

This is a most desirable procedure both from the viewpoint of the person arrested and of the interests of the city as well. However, some cities provide for such short sessions of the police courts that they are obliged to furnish facilities for the detention of a considerable number of prisoners awaiting hearings. In one of our larger cities the police courts are in session but a few hours each day not including Sundays and holidays. The calendars of the courts are prepared at 5 o'clock in the afternoon and contain the cases in which arrests are made during the preceding 24 hours. Thus a person arrested after 5 o'clock on Monday does not get a hearing until Wednesday. Obviously this procedure operates in favor of professional bondsmen, tends to deprive persons arrested of the right to have a hearing as soon as practicable, and is uneconomical from the standpoint of the city. It is extremely desirable that police courts be open during the business day. If the number of cases does not warrant this there should be at least a morning and an afternoon session.

If an arrest is made during the hours when the police courts are not in session the prisoner is either detained or admitted to bail. According to the New York Code of Criminal Procedure, which is similar to those of other states, when the crime charged is not a capital offense the accused may be admitted to bail as a matter of right in cases of misdemeanor and as a matter of discretion in all other cases.⁶¹ In order to safeguard the rights of persons ar-

⁶¹ Sec. 553.

rested, the law provides that any captain or sergeant of police, or acting sergeant of police or lieutenant of police, in any city or village of the state, must take bail for the appearance before a magistrate the next morning of any person arrested for a misdemeanor during the hours when the court is not in session.⁶² The amount of bail must usually be double the largest fine to which conviction would render the person liable.⁶³

Value of Records.

As in other phases of police work the efficiency of the police in making arrests can be judged only by the records the department maintains. For example, it is impossible to determine whether or not needless arrests are being made and whether courts and the department are coöperating unless there are records showing the disposition of all cases in the courts. Yet it is not at all uncommon for cities to neglect precisely this matter. Oftentimes the reports show merely that of a certain definite number of cases, so many were disposed of by conviction, acquittal, etc., and do not specify the class of cases thus disposed of. Such records are of little value because they fail to indicate in what kinds of cases the convictions and dismissals result.

When a prisoner is brought to the station house there should be entered in the record of arrests by the desk sergeant the pertinent facts of his case. It should contain besides the serial number of the arrest, the degree or class

⁶² Sec. 554.

⁶³ *Ibid.*

of case such as misdemeanor, felony, vagrancy, etc., a statement of the age, sex, color, nativity, occupation of the prisoner, the charge against him, the complainant, name of arresting officer, and should have space left for a statement of the final disposition of the case by the court. The officer making the arrest should furnish in writing the required information. At the end of each month the facts concerning arrests should be recapitulated and used as the basis of the annual report. In order to have in the central filing division accurate information, there should be prepared also a card record containing the same information as the record of arrests but kept in alphabetical order.⁶⁴

It is customary in many cities to remove from prisoners only those articles which may be needed as evidence, with which bodily injury may be inflicted, or by means of which an escape might be effected. This is not in accordance with good practice. All property such as money, jewelry and other valuables should also be taken from them. The property taken should be placed in an envelope which should show on its face a complete list of the property as well as the prisoner's signature. The searching officer and the desk sergeant should also be required to sign the sealed envelope. If the prisoner desires to use his money for counsel or for other legitimate purposes he should be required to furnish a written order on a special form, and a receipt should be taken from him. Both the order and the receipt should be kept in the envelope as part of the record of the transaction. When

⁶⁴ See *infra*, pp. 285-286.

the case is disposed of and the property is returned, the prisoner should be required to give a receipt for the property received. This procedure effectively safeguards the prisoner's property and also protects the police department against malicious and fraudulent claims on the part of persons arrested.⁶⁵

Women Prisoners and Police Matrons.

There is substantial agreement that special provision should be made for the care of women prisoners. This has led to the employment of police matrons in nearly all cities of importance.⁶⁶

The movement for the employment of police matrons was begun by the Women's Christian Temperance Union, and although there was much opposition on the part of authorities, as there has been to the more recent agitation for the employment of policewomen, the experiment proved so successful that at present the police matron is considered an essential part of a city's police organization.⁶⁷

⁶⁵ New York Bureau of Municipal Research, *Survey Indianapolis*, pp. 223-226.

⁶⁶ U. S. Census Bureau, *General Statistics of Cities* (1915), p. 91.

⁶⁷ See Fuld, *Police Administration*, pp. 159-63. The origin of the practice of appointing matrons in Philadelphia is described as follows in *The Philadelphia Police* by Howard O. Sprogle (1887), pp. 220-222: "For several months during the spring and summer of 1886, a number of charitably disposed and benevolent women of the city held frequent consultations with the Mayor for the purpose of securing the introduction of some system whereby matrons could be assigned to a number of the station houses. After much consideration and inquiry of the police departments of other cities without any definite or satisfactory result, it was decided to ask Councils to permit the application

In smaller cities, where there are few women prisoners the police matron does not give full time to police work, but she is always subject to call when her services are needed. In the larger cities matrons are employed in the station houses in those precincts in which a considerable number of women are arrested. Other precincts send their women prisoners to stations where matrons are employed. Thus in 1916 there were matrons employed in twenty of the eighty-nine police precincts in New York City—the number in most cases being three, employed on eight-hour shifts.⁶⁸ Since 1913 the Detroit police department has maintained a Women's Detention Home, a police station devoted entirely to the detention of female prisoners over seventeen years of age. The prisoners are under the care of eight matrons.⁶⁹

Women prisoners when brought to the station house under of a small appropriation out of the general police fund for the payment of four matrons, to be located at such station houses as the Mayor might deem best. The suggestion was in due time approved. In October, 1886, the Mayor appointed four matrons for those districts having the largest number of women arrested. . . . The matrons are required to care for lost children, to attend female prisoners whilst in the station houses, to search such after they are brought in, to help, if possible, in the reformation of those who are not too degraded to be recalled, and to endeavor, in all ways which their womanly sympathy can suggest, to soften the hardships of the condition of the unfortunate class who are committed to their care. The newness of the system does not permit any fair estimate of its value, but it certainly can and will do much in the cause of humanity. The matter is at present only experimental, but Mayor Smith believes time and experience will prove the necessity for its extension. The matrons have all been appointed by the Mayor on the recommendations of the United Women's Charities of the city."

⁶⁸ Report Police Dept. (New York), 1916, pp. 6-9.

⁶⁹ Report Police Dept. (Detroit), 1917, pp. 214-5.

arrest are turned over to the matron who makes the necessary searches and performs such services as may be required. Matrons are required to visit the cells occupied by women prisoners and are held responsible for their safe keeping subject always to the direction of the officer in command. Sick and injured women are cared for by the matrons and a police surgeon. Male members of the police force may be called in to aid in controlling disorderly or rebellious prisoners when such action is necessary.⁷⁰

In some cities there is no provision made for the separate arraignment of women prisoners. Good practice dictates a different procedure. Women prisoners should be heard separately and apart from men, and from such hearings male spectators other than witnesses, police officers, counsel, and press representatives, should be excluded. This is no more than propriety and due consideration demand. When arraigned, women should, of course, be in charge of the matron.

In the larger cities matrons are appointed only after successfully passing civil service examinations which include both mental and physical tests. They are subject to the same discipline as the men and are considered members of the uniformed force.⁷¹

Dealing With Children.

One of the most significant developments in the matter

⁷⁰ Rules and Regulations of the New York Police Department; also Charter, Secs. 360-366.

⁷¹ New York City Charter, Secs. 360-360a.

of the treatment of delinquents has been that of the juvenile court. Until the close of the nineteenth century children were arrested, tried in regular police courts and, when found guilty, imprisoned in jails and prisons along with old and hardened criminals. The child was considered a wrongdoer and the idea of punishment rather than that of the correction of bad conditions was uppermost in the minds of officials. With such treatment, children developed rapidly in their familiarity with crime, and the natural result was that when they were discharged they were only too well fitted to become expert criminals and outlaws. In the words of Judge Tuthill of Chicago, "The state had educated innocent children in crime, and the harvest was great."⁷²

Although in a number of states there had been statutes providing for the separate hearing of children's cases, the establishment of the juvenile court as a separate institution is generally considered as having begun with the passage of the Illinois statute of 1899 under which the Chicago court was organized. Other states soon followed the example, one of the most famous courts established being the one at Denver presided over by Judge Ben B. Lindsey. At present the juvenile court or children's court seems to be firmly established.⁷³

There are still, however, divergent theories relative to the

⁷² See Samuel J. Barrows, Commissioner for the United States on International Prison Commission, House Doc. No. 701, 58th Congress, Second Session, p. 10.

⁷³ There are, however, cities which retain a procedure in trying children which is sadly out of harmony with modern ideals.

procedure which ought to be followed by the court in fulfilling its functions. There are many judges and juvenile court workers who hold that the procedure should be a civil proceeding similar to a case in chancery, with the court concerned chiefly with the "*conditions responsible for the appearance of the child in court.*" There are others, however, who believe that the procedure should be in the nature of a criminal trial in which the "*child is considered a wrong-doer.*" The former conception seems the better one.⁷⁴ Judge Tuthill says that the principle of the Illinois law is: that no child under sixteen years of age shall be considered or treated as a criminal; that a child under that age shall not be arrested, indicted, convicted, imprisoned or punished as a criminal.⁷⁵

Obviously the success or failure of a juvenile court depends largely upon the character and experience of the judge, upon his ability to win the confidence of the children who appear before him. It is therefore urged that the practice of having judges rotate in their assignment to the juvenile court be abandoned and that judges be assigned to this work for periods of a year or preferably longer.⁷⁶ Only then can the judge become sufficiently familiar with the needs of his office to render efficient service.

A recent advance in children's court procedure consists in the appointment of women assistants who act as referees in girls' cases. After hearing the facts from the probation

⁷⁴ Flexner and Baldwin, *Juvenile Courts and Probation*, p. 5.

⁷⁵ House Doc. 701, 58th Congress, Second Session, p. 10.

⁷⁶ Flexner and Baldwin, *Juvenile Courts and Probation*, p. 15.

officers the referee arrives at a conclusion in regard to the proper disposition of the case and reports this to the judge of the court who enters it as the judgment of the court. The advantages of this plan have been set forth as follows:

- 1 — It offers a solution of the problem of handling the girl in court. It places her in the most advantageous position possible — one that protects her and encourages franker discussion than when she is called upon to tell her story to a man.
- 2 — It sifts the work of the judge and relieves him of the most baffling part of his work, thus giving him more time for the problem of the boy.⁷⁷

One of the most pressing needs for bringing about the success of the juvenile court is that of securing the active coöperation of the members of the police force. And this has in some places been no easy task. Only too often have police officers looked upon the children's court as a sort of sentimental fad to be tolerated rather than to be actively supported. This feeling is, however, vanishing and is being replaced by one of greater sympathy in a considerable number of our cities.⁷⁸

Since the theory of the juvenile court is based upon the idea that children should not be tried as criminals, it is desirable that the procedure followed be as far as possible from that common in the trial of adults. It is, therefore, bad policy to have children arrested by regular police officers.

⁷⁷ *Ibid.*, p. 16.

⁷⁸ See Eliot, *Juvenile Court and the Community*, pp. 39-40.

Patrol wagons should not be used in transporting children to places of detention since that practice obviously attaches a stigma — the very thing to be avoided. Only in the more serious cases, such as runaways and children beyond their parent's control, should arrests be made. Such children should be transported by street car. Under ordinary conditions, when it is necessary to secure the presence of the child or its parents in court, the summons should be the means employed. Laws generally provide that probation officers may release a child taken into custody upon bond with surety. Upon this point Flexner and Baldwin say:

Needless detention of children being the thing to guard against, the power of release upon a simple written promise to appear might with safety be lodged in a police captain of a district or a police officer as well as the probation officers. . . . The processes of the criminal court carrying with them certain odium and not tending to help in the education of the child are to be avoided except where the other processes fail.⁷⁹

It is still the practice in many cities for officers to take children first to the station house. A leading authority on the juvenile court thinks that in the cases where it is advisable to detain the child it should be taken directly to the detention home, preferably by a plain clothes officer either on foot or by street car, and that if the parents appear later and promise to produce the child in court the superintendent of the detention home should have authority to release the child from custody.⁸⁰

⁷⁹ *Juvenile Courts and Probation*, p. 20.

⁸⁰ Eliot, *Juvenile Court and Community*, pp. 35-36.

In some cities policemen are employed to serve as probation officers. In general, however, authorities are opposed to this practice. It is argued that the policeman represents the idea of compulsion rather than the idea of education and that he is as a rule not endowed with those traits of character which the successful probation officer needs in order to win the confidence of children.⁸¹ Nevertheless, it is only when his sympathy with the newer and more humane treatment of children is gained that the children's court can attain a high degree of effectiveness as a social agency.⁸²

It cannot, therefore, be too strongly urged upon the heads of police departments that their subordinates be carefully instructed in the ideals of the juvenile court and that they be given to understand that sympathetic coöperation with the court and with probation officers will be expected of them.

⁸¹ *Ibid.*, p. 36; Flexner and Baldwin, *Juvenile Courts and Probation*, p. 122.

⁸² For example, it is not open to serious doubt that in a large percentage of the cases of trivial delinquencies a kindly warning by the police officers will suffice to bring about the desired results.

CHAPTER X

SECRETARIAL BUREAU¹

IN the preceding chapters we have considered the various phases of actual police service — the protection of life and property, the prevention of crime, the ferreting out of crime and the apprehension of criminals. Attention has frequently been drawn to the need of records and reports as factors in the control of the police department. Let us now consider more in detail these records, and the arrangements, other than those involved in personal police work, without which the intelligent control and direction of a police force become impossible in all except the smallest departments.

Record Bureaus.

At the beginning, it should be emphasized that there is needed in every police department a bureau for the maintenance of permanent records of police activities. These records should deal with matters of personnel and the operations and business aspects of the department. It is regrettable that in American police departments the records are frequently not consolidated. The records of the entire de-

¹ This chapter is an adaptation of the standard recommendations relative to Police Records and Reports formulated by the New York Bureau of Municipal Research.

partment — those kept in station houses and divisions as well as those at the central record bureau — should be under the supervision and control of a chief clerk or secretary responsible directly to the chief of police. This officer should, of course, not be confused with the secretary to the chief or the director of safety. He should be secretary or chief clerk to the entire department.

The purposes for which records and reports are kept are two in number. In the first place, they should bring before the administrative head of the department such information relative to crime conditions and the activities of the police as will enable him to direct the men at his disposal to the best advantage; in the second place, they should give to the public the information necessary to enable it to judge intelligently what the needs of the department are and the efficiency with which it is doing its work. This information will not be available unless records are kept from day to day, and finally summarized in the yearly report of the department.

Before going into the details of the various kinds of records and reports needed it may be well to emphasize a few points which concern in a general way the whole reporting system.

Standardisation of Reports.

In the first place, since the reports come from the individual members of the force, endowed with differing degrees of intelligence and having different standards of judgment relative to what is important and what is not, it is obviously

desirable, if an accurate estimate of the work of the department is desired, that there be a uniform method of making reports. Only then is it possible to make a summary that comes within the range of accuracy. For example, the patrolman on the beat is required to make a written report on accidents that happen within his jurisdiction. Unless the facts upon which information is desired are definitely outlined, there will be great variety in the methods of reporting and in the information given. Formerly it was customary for members of the force to make reports much as they pleased. This is unfortunately still only too often the case. However, in recent years, the printed form demanding certain specific kinds of information has been widely introduced by the more progressive departments. This has aided greatly in increasing the efficiency of reporting systems.

Summarization.

Secondly, and this is really implied in what has just been said, these individual reports should be carefully summarized from time to time, so that the head of the force may get a picture of what is being done by the entire department. Only with this information at hand can he be expected to control his men efficiently. Without proper summarization the administrative head will either not review the reports at all, or he will be so largely occupied in their review that he will have little time left for other important matters.

Finally, if such uniform and properly summarized reports are to be had, control over them must be centralized in a

single bureau — not left to remain unanalyzed, as is now frequently the case, in the bureaus and divisions of the department. With such a central record and filing bureau it becomes possible on short notice to secure any information contained in the records. The value of such a bureau to the head of the department cannot be over-emphasized. The difficulties arising out of a lack of it need not be pointed out to those who have been sent from bureau to bureau, from central headquarters to station houses and back again for information which it would seem the head of a police department ought to have available on a moment's notice. This does not mean that all records should be sent from the station houses to the central bureau. Some of them must be kept in the precinct stations as will appear later. The central record bureau should be under the immediate supervision of a chief clerk who should be responsible for the maintenance, improvement, care and safekeeping of all department records. He may also have charge of the business end of the department.

Departmental Correspondence.

All correspondence and complaints received by the department should be handled by the central record bureau, which should be furnished with the following equipment :

A machine for opening mail

Time clocks and number stamps for recording the time of receipt and the number of each incoming communication

Pigeon holes or racks for sorting and distributing communications

Necessary typewriting machines

A machine for stamping and sealing outgoing mail

Sufficient standard steel sectional filing cabinets

It is desirable that a definite procedure for the receipt and distribution of mail and the handling of complaints be followed. Mail for the department should remain in the post-office until called for by an authorized messenger from the chief clerk. The department should have its own mail bag equipped with a lock and two keys, one kept at the post-office and the other at the office of the chief clerk. The mail for the department taken in charge by the chief clerk should be handled as follows :

Serially numbered

Referred

Briefed

Acknowledged

Distributed

Personal mail should be delivered intact to the officers addressed. If when opened by them it is found to contain matter of an official character it should be returned to the central office to be dealt with as indicated above. Routine matters may be referred by the chief clerk ; in other cases the head of the department should designate by whom the investigation should be made.

Of the complaints received through the mails a synopsis or summary should be made on a "brief sheet" which should be numbered to correspond to the number given the original letter of complaint. This brief should contain neither the name and address of the complainant nor any information that might tend to identify him. It should be made in duplicate, the original for purposes of investigation, the copy for the pending files to remain there until the complaint is finally disposed of.

It should be a rule of the department that commanding officers and others to whom complaints are referred for investigation be required to file a report of the action taken within forty-eight hours after receipt. In case the investigation has not been completed a report stating this fact should be forwarded. This progress report should be filed with the original papers in the pending file. That control may be kept over complaints, and that there be no needless delay, the secretarial bureau should report at stated intervals on all cases where commanding officers have failed to make their reports within the time allowed. If this does not suffice, the head of the department should be notified at once so that an immediate investigation of the delay may be made.

It has been found that oftentimes commanding officers upon receiving reports from investigators simply forward the reports without assuming responsibility for them and without making any designation as to their opinion relative to the efficiency with which the investigations were con-

ducted. This practice is highly undesirable. Commanding officers should be required to make the reports upon complaints over their own signatures indicating the name of the officer assigned to the investigation. The report may be made on the back of the brief sheet containing a summary of the complaint.

The proper handling of complaints involves protecting persons who make them against exposure, intelligence in referring complaints for investigation, promptness and care in the investigation itself and reports, and what is even more important, the careful review of reports. So much depends upon getting satisfactory reports that the work of reviewing them should be very carefully performed. In cases of importance the chief clerk should forward them to the chief of police and indicate whether or not in his judgment the report shows that a satisfactory investigation has been made.

In order to check up the efficiency with which complaints are investigated and reported, an occasional investigation may be conducted by members of the chief's staff acting independently of the district force.

In all cases the complainant should be furnished with a brief synopsis of the report made on the investigation. This should be accompanied with a request that the department be notified of any matters contained in the report which appear inaccurate or contrary to the facts. All papers should then be filed.

A matter of great importance is the proper protection of these files. In many police departments great embarrass-

ment is often caused by the loss of important documents. It is impossible to hold the chief of the record division responsible for the files and records so long as practically all officers of the department have free access to them. It can readily be seen that such a system lends itself to the grossest kinds of abuse. Police rules should therefore require that all papers and documents be forwarded to the filing division as promptly as possible. A requisition form should be adopted and no papers should be permitted to leave the files except upon a written requisition of an officer in charge of a division and with authority to make such a requisition. The requisition should state specifically the documents wanted and the person wanting them. If for any reason the papers should leave the state or the department, the requisition should be signed by the chief of the department and the chief clerk should have the necessary copies made to protect his files.

It is desirable that a receipt be required for all papers taken from the files. Large red cards to be known as "out cards" should be provided, and when papers are removed from the files, their serial numbers should be placed on the "out card." The requisition should be placed in a pending file and not removed before the papers are replaced. If the documents are not returned within forty-eight hours, a "tracer" or formal notice should be sent out to the bureau or person to whom they were given. When they are returned, the original requisition should be filed permanently for future record.

The central record bureau is obviously the place where the statistical information of the police department should be gathered. There should be statistical information concerning crimes complained of, persons complained of, persons arrested, accidents, persons aided, cost of operating the department on a unit cost basis in the various branches of the service, cost of pensions, and such other financial information which is essential in the administration of a police department.

In the record division should be kept a card index of complaints. Every complaint received by the department or any of its members should be recorded upon a card which should show a complete history of the action taken and the results obtained. These cards should be filed by districts and classified by patrol posts. These will be more fully discussed under "Citizens' Complaint Book" below.² From these complaint cards may then be prepared a monthly report showing the number of complaints, classified according to a standard crime classification to be used by all branches of the police service in reporting upon complaints.

In order that the police department may have permanent records of its activities and that commanding officers be enabled to review currently the work of their commands it is suggested that the following records and reports be kept. The entries in these records should be governed by the rules and regulations of the department and should be supervised by the officer in command and occasionally by

² See *infra*, pp. 289-292.

the chief of the record bureau who should, subject to the approval of the chief or head of the department, have control over all department records.

I — A record of arrests:

This record should be designed with printed headings which call for detailed information concerning the pedigree of the prisoner, the cause of his arrest and the court action taken in his case. It is a permanent division record and should remain with the division.

All arrests in this book should be numbered serially. The record should indicate the degree or class of the case such as misdemeanor, felony, juvenile delinquency or vagrancy. This can be done by drawing a line through the code letter which would appear printed under the heading "Degree" on the form. This code can of course be varied to meet the desires of the department relative to the tabulation of crimes. Upon blank spaces beneath the printed headings should appear a detailed statement furnished by the officer making the arrest.

At the close of each month the arrests recorded in this book should be summarized so as to show the number of males, females, occupation and age of prisoners, and the number of arrests for misdemeanors, felonies, juvenile delinquency and vagrancy. This will furnish statistics needed in the annual report.

2 — Card record of arrests:

This card record of arrests should contain the same printed headings that appear in the record of arrests. There should be maintained in connection with the record of arrests, a separate index which should be indexed to the name of the complainant and the name of the person arrested, and which should show also the date of the arrest. This record should be in the central bureau and made up from entries in the arrest records of the divisions.

3 — Desk blotter:

The desk blotter should be a large bound book in which should be kept a chronological record of all movements of the force. It should be the only record in the department designated as a blotter. All others should be called records. The rules of the department should require the following entries:

a — A record of service performed by each member of the department in the handwriting of the captain, lieutenant or sergeant;

b — The time at which the members arrived at the station and the time they left and the reason for leaving;

c — Delinquencies of members of the command referred to by the title of the charge, the name and address of the officer making it, the time received and the manner disposed of;

d — An itemized list of property coming into the

temporary possession of the command or any member of it (not to include property taken from prisoners); a record of the circumstances under which it was found; the name and address of the person who found it; the name and address of the owner, if known, and the final disposition of it;

e — All matters reported by members of the commands affecting any duty performed by them;

f — All members of the commands absent upon roll call.

Entries in the blotter should be made chronologically as they occur with the time of the entry written in red ink in the margin. Immediately under the time should be entered also in red ink a marginal notation as to the subject of the entry. For example, if the entry is to the effect that the captain left to patrol the district, the words "Capt. O. P." should appear in red ink. No erasures be allowed in the book. In case of error a red line should be drawn through the erroneous entry and a correction written beside it, and initialed by the officer making the correction.

4 — Record of accidents and aided cases:

Since information concerning accidents and aided cases constitutes an important police record it is advisable that each district and subdivision of the police service be supplied with and be required to maintain a book record of accidents and aided cases.

In this book should be entered under printed headings complete accounts of all persons aided through the department. The record should include a complete pedigree of the person aided, similar to that required in arrest cases as well as a detailed statement of the facts of the case including names and addresses of witnesses and, in brief, any statements made by them. Persons receiving lodging at the station houses should be regarded as aided cases and their records entered for statistical purposes. Each case should be numbered consecutively beginning the first case with number " 1 " in the series to which it belongs, and identifying it by the initial letter of the series, as:

" A " Accident case

" L " Lodger

" P " Prisoner

If a prisoner receives medical aid or is injured in any way while in the station, the case should be carried in the record of aided cases as well as in the record of arrests.

The book record of accidents and aided cases should be indexed and recapitulated monthly. Because of litigation arising out of street accidents, constant demands are made upon policemen in practically all cities for certified copies of the police records of accidents. Therefore all records of aided

cases should be compiled in a manner that will facilitate reference.

5 — Card record of aided cases :

A card similar to the arrest card should be provided for reporting accidents and aided cases. These cards should have the same printed headings that appear in the records of accidents and aided cases recommended. A card should be forwarded to the central record and filing division, one for each case, there to be filed alphabetically. The rules should prescribe that information concerning accident cases should not be furnished at the police stations but should be supplied at headquarters from these cards. This would afford better control over such information.

6 — Telephone record :

Since a considerable amount of police business is transacted over the telephone there should be kept in every district and bureau of the department a formal record of such business.

7 — Citizens' complaint book :

In every district station and subdivision of the force there should be maintained a citizens' complaint book which should contain no other information except entries as to complaints received. It should have printed headings calling for definite information concerning each complaint received and the action taken. The rules should prescribe definitely

the procedure to be followed. No record in the department is of greater importance than the record of complaints since it is largely through these complaints and the action taken upon them, that it is possible to determine crime conditions and the efficiency of the police in dealing with them. To provide for control over complaints and a review of the activities of the members of the force in their investigation, it is necessary to install a card record system which will bring to the central record and filing division at headquarters a card record of every complaint received and the action taken upon it. A printed card having headings identical with those of the citizens' complaint record should be furnished.

The rules should require that immediately upon receipt of a complaint, the officer receiving it should make a complete entry in the citizens' complaint book. As soon as the investigation of the complaint has been completed, or in any event within forty-eight hours after the receipt of the complaint, the officer in charge of the desk should forward to headquarters a card record of the complaint which should show the action taken and the results obtained.

Each complaint should be serially numbered, and the records should show the number of the post upon which the matter complained of occurred, or the

condition existed, and the names of the patrolmen covering the post. If the complaint is one which requires detective attention, a card should be prepared in the same manner as if attended to by the uniformed force. This card should be forwarded to the detective division of the district and, after review by the commanding officer of the detective division, it should be forwarded to the central record and filing division. These cards should be filed by precincts, classified as to posts; different colored cards should be provided upon which to report felony and misdemeanor complaints.

This system will make it possible for the administrative head, upon inspecting the complaint files, to see at a glance the sections of the city in which crime complaints are increasing, and the class of crimes of which complaint has been made. Moreover, he will then be able to see the posts concerning which the greatest number of complaints have been received and will have in his own office a written report on every complaint, so that when inquiries are made concerning conditions in various sections of the city or complainants allege that they have frequently complained to the local police without result, it will no longer be necessary for him to refer the complainants to the local commanding officers, as is so frequently the case.

A complaint file of this character will also fur-

nish a means of securing currently and without difficulty statistics concerning the complaints received by the department and the results obtained in the investigation of them. Requiring that the district officer send to the commissioner or the chief a card record of each complaint affords protection to the administrative heads against the well-established practice known among subordinate police officers of ignoring so-called trivial complaints and failing to call attention to increases in complaints.

Moreover, the information gained from such records affords the only adequate facts upon which the apportionment of patrol posts can be made.

8 — Card record of licensed places :

There should be maintained a card record of all licensed places within the district. On these cards should be headings calling for the names and addresses of the persons holding licenses, the character of the business engaged in, the number and kind of licenses held, the date of issuance and of expiration. On the reverse side of the card should be recorded, under printed headings, inspections of premises and arrests or complaints in connection with the premises. The information contained upon these cards furnishes the basis of an annual report which the licensing authorities will find of great benefit in determining the advisability of renewals. This record should be in duplicate — one to remain

in the district and the other to be sent to the central record bureau.

9 — Monthly record of licensed places :

The commanding officer of the precinct should be required to file a monthly report showing the inspections made of licensed premises such as moving picture shows, theaters, pool and billiard parlors, etc., with the result of the investigations. Any complaints received or arrests made in connection with these places should be indicated upon this report and the information referred to the licensing authorities. This record should likewise be in duplicate.

10 — Card record of vacant houses :

When the police precinct is notified that a residence is about to become vacant for any reason, a card record should be made and filled out at the station. Cards printed for the purpose should be provided and one should be given to the patrolmen covering the post. The card should show the location of the house, the name of the owner or occupant, the name and address of the person to be notified in case of any unusual occurrence at the house, and the name and description of any caretaker, watchman, or other person who may from time to time return to the house. Such persons should be given an identification card signed by the captain of the precinct in order that they may be properly identified if discovered in the house by the police during the ab-

sence of the owner. A copy of this card should be retained at the precinct and the sergeants should be instructed to inspect these premises from time to time to see that the doors and windows are locked.

11 — Precinct weekly record of suspected places:

Commanding officers should be required to file a weekly report upon a form with printed headings, listing premises suspected of being operated illegally such as gambling houses, disorderly houses, houses of prostitution, fences, etc. Upon this report should be indicated the location, name of occupant, name and address of owner of property, type of building, such as tenement, office, factory, etc., purpose for which it is used, date first reported, by whom reported, action taken to suppress, and final disposition. This report should be made out in triplicate, one copy to be retained in the district office, one to be forwarded to the executive officer of the force and the other to be forwarded to the administrative officer of the department.

12 — In order that policemen may be made alert, efficient, and useful eyes and ears of the city government, they should be provided with a convenient means of reporting conditions observed by them — conditions that may be of interest not only to the police department but to other departments of city government. For this purpose standard loose-leaf memorandum books containing special printed forms have

been found satisfactory. These patrolman's reports should include, among others :

Report of highway accidents

Report of unusual occurrences

Report of lamp outages

Report of street pavement and sidewalk conditions

Personnel Records.

The records and reports just described have to do with the police work of the force. They give an account of the day by day activities of the department. Let us consider briefly also such records as the administrative head of the force may need to give him further information relative to the personnel under his control. These are two in number :

1 — Card Record of Members of the Force —

A card record of members of the force assigned to the precincts should be maintained. These cards should contain printed headings calling for the name, date of birth, date of entrance into the department, promotions, assignments and details. On the reverse side of the card there should appear printed headings calling for efficiency ratings, record of complaints and record of awards. These cards should be in duplicate — one to be in the central record office and the other in the precinct to which the policeman is assigned. Upon being transferred from one precinct to another he should present his record

card to his new commanding officer. This card should provide a complete history of the policeman from the date he enters the department until he leaves it.

2 — Time Record of Members of the Force —

A convenient time record of each member of the force should be kept in each precinct. The loose-leaf type, with a page for each member of the force, upon which to carry the time of the member for an entire year, has been found satisfactory.

Consolidated Daily Report.

On the basis of the reports described there should be prepared in the central record bureau each morning what is called "the daily morning report." This report should contain complete information concerning the operations of the force for the previous twenty-four hours. It should be made out in triplicate, one copy to be retained in the office of the executive officer of the force, one to be forwarded to his administrative superior in the department and the other to the chief executive officer of the city. This report should reach the chief's desk every morning.³

Other Functions of Record Bureaus.

Thus far in this chapter we have considered the duties of the secretarial bureau which are concerned with police records and reports. There are, however, a number of other

³ See *supra*, pp. 149-150.

functions that should be carried on by this bureau. These are financial matters relating to payrolls, fines, the purchase of supplies, the purchase and maintenance of equipment, and the maintenance of buildings. Each of these functions should be under the control of a subordinate of the chief of the bureau who would thus become responsible for all the so-called secretarial and business functions of the department.

It is obvious that the work of this bureau is not police work in the ordinary sense of that term. It requires a personnel different from that of the other bureaus of the department. Excellent policemen often do not make good clerks, statisticians and business men. Yet commonly the secretarial bureau of American police departments is manned by policemen detailed to this kind of work. This practice in addition to bringing into the bureau men not well fitted for the work required, often causes dissatisfaction among the members of the force because it is considered easier than general police work and hence a reward to certain favored members. It is therefore to be condemned. The personnel of the bureau should be recruited from without the police department proper. The work is different and does not require the qualifications that must be demanded of those who enter police work.

The Annual Report.

Naturally it is in the secretarial bureau that the annual report of the police department should be compiled. The annual report should be comprehensive and should contain

information so arranged as to make it of value not only to the administrative head of the department but to the legislative branch of the city government and the general public as well. It should present a true picture of the activities of the department and should contain not only the pertinent facts of the past year but comparative material as well. The following sections are suggested:

1 — A section devoted to the welfare of the force.

In this section should appear tables showing:

Number of appointments

Transfers

Promotions

Deaths

Dismissals

Trials upon charges and dispositions

Reinstatements

Number of days of absence of policemen due to illness

Prevailing causes of illness

Sanitary conditions of station houses

2 — A section showing the financial condition of the division.

In this section there should be tables showing:

Total amount of money appropriated, year by year, for the past five years.

Expense tabulated as to salaries, repairs and supplies, new equipment, feeding of prisoners, printing, procuring of evidence, maintenance of

horses and automobiles, and other expenditures. Revenues from license fees, sale of condemned equipment, and policemen's fines.

3 — A section showing the activities of the force. This section should be divided into two parts, namely, detective bureau and uniformed force.

a — Under the heading "detective bureau" full detailed statistics should be furnished in tabular form as to the following:

- (1) Complaints received requiring detective attention, showing the number investigated, the number unfounded, the number upon which arrests were made, those upon which no action at all was taken, and the number upon which no results were obtained after action had been taken.
- (2) Arrests for felonies made by members of the detective bureau classified as to crime, showing the number of males and females, and the disposition of the cases under the headings "convicted," "acquitted," and "pending."
- (3) Arrests for misdemeanors. The same classification should be used.
- (4) Separate tables showing arrests upon warrants, pick-ups and those brought back from other cities.
- (5) Number of murders committed and re-

ported each year for the five preceding years, with the number of arrests and dispositions stated in the same table.

- (6) Cases of burglary and housebreaking reported. This table should show under a form heading how the burglary was effected, the hours between which the burglary was believed to have been committed, the total value of property stolen, the total value of property recovered, the number of cases in which no ultimate loss occurred, the number of cases in unoccupied houses, and the number of cases in which violence was used.

- (7) Number of arrests and investigations made by each member of the detective bureau, classified as to crime and place, under suitable headings.

b — Under the heading "uniformed force" the fullest detailed statistics should be furnished in tabular form as to the following:

- (1) Complaints received and investigated by the uniformed force, showing the number investigated, the number unfounded, and the number upon which arrests were made, those upon which no action was taken, and the number in which no results were obtained.

- (2) Arrests for felonies made by the members of the uniformed force, classified as to crime, showing the number of males, females, and the disposition of the cases under the headings "convicted," "acquitted," and "pending."
- (3) Arrests for misdemeanors. The same classifications and headings should be used.

The report should contain a separate table of arrests, classified by kind, in which should be noted all arrests made by motorcycle men, together with the disposition of the cases. All of these tables should show the total number of arrests under the same heading for each of the preceding five years.

- 4 — A section in tabular form showing persons aided by the department of police. This table should show the number of male and female persons to whom assistance was given. By persons aided is meant injured persons sent to hospitals, missing persons found, dead bodies sent to the morgue or home, children found by the police, foundlings taken care of, etc. The headings for this table should include:

Assault

Accidental injury

Attempted suicide

Found dead

Found drowned

Insane

Rescued from drowning

Sick

Suicide

Persons missing —

Number reported missing

Number located by police

Number otherwise found

Number still missing

Lost children —

Number reported lost

Number found by police

Number reported found

Number still missing

Foundlings —

Number found by police

Number brought to the station house

Lodgers

5 — A section showing general crime statistics. This section should contain in tabular form full statistics concerning the following:

a — Arrests for intoxication. Headings for this table should be so arranged as to show in separate columns the number of arrests during certain periods of the day and on each day of the week.

Additional headings based on the information

contained on the intoxication arrest card should be incorporated in a table. A distinction should be made between arrests for intoxication and disorderly conduct involving a breach of the peace.

b — Arrests for disorderly conduct and prostitution.

These tables should show the nationality and sex of all prisoners, classified as to crime. The information in this table should be in accordance with the forms already suggested.

c — Arrests for juvenile delinquency. This table should show the number of children arrested for juvenile delinquency at various ages, classified as to the nature of the offense. It should show the disposition of each case under the following headings :

Tried

Convicted

Acquitted

Discharged

No complaints taken

Paroled

On bail

Detained in charitable institution

Sent to reformatory school

Forfeiture

Death of defendant

d — Sentences of persons imprisoned and fined. This

table should show the amount of fines tabulated in amounts from \$5 to \$1,000 with side columns for terms of imprisonment from five days to over ten days.

e — Terms of imprisonment tabulated to show prison sentences imposed from five years to life, classified as to crime.

f — Arrests on holidays for intoxication, disorderly conduct and prostitution.

g — Disposition of all arrests, classified as to offense, showing total number of arrests made for each crime, records of convictions and acquittals (with sub-classifications as to convictions by plea of guilty or by trial and acquittal by direction, by verdict), or discharged (sub-classified as to discharges by magistrates or grand jury, or dismissal of indictment, or on own recognition), and cases pending subdivided as follows:

 In jail

 On bail

 Under parole and forfeiture

h — Persons convicted of offenses, classified according to age and sex.

i — Records of weapons confiscated.

6 — Signal Service. Under this heading should be given statistics as to the number of incoming and outgoing telephone calls over the division wires,

and all recommendations as to improving the telephone service.

- 7 — Recommendations. Under this heading should be noted all recommendations concerning the force and its management.

CHAPTER XI

COMPENSATION AND WELFARE

Police Salaries.

IN the preceding chapters the duties of the police department have been examined. We have seen that these duties are arduous and that for their performance a high degree of ability and above all a thorough loyalty to the highest welfare of the public is demanded. Moreover, it has been shown that the policeman is surrounded by a multitude of temptations to compromise with his conscience and so to profit personally through a failure to do his duty toward those he has sworn to protect. We may naturally ask, therefore, what rewards in the way of compensation cities have given to their public servants, the policemen. Have they been and are they such that the type of man needed, is attracted to the service and kept satisfied after entering it?

A negative answer must be given to these questions. The salaries of policemen have been and are still so low that men of ability are not attracted.

According to the United States Census Bureau¹ in 1915 the salaries of patrolmen, who constitute the great

¹ U. S. Census Bureau, *General Statistics of Cities* (1915), Tables 4 and 7.

majority of the members of police departments, ranged from \$780 to \$1,400 per annum in cities of over 500,000 population. In Detroit the salaries ranged from \$1,000 to \$1,200; in Baltimore, from \$780 to \$1,040; in Boston, from \$1,000 to \$1,400; in St. Louis, from \$780 to \$1,080; in Philadelphia, from \$821 to \$1,095; in Chicago, from \$900 to \$1,320; and in New York, from \$1,000 to \$1,400. In cities with populations of from 100,000 to 500,000 the salaries were about the same;² in the smaller cities they were somewhat lower on the average though the difference was not marked, a considerable number of the smaller cities paying as large or larger salaries than larger cities. Thus Shreveport, Louisiana, paid \$1,320; Newton, Massachusetts, \$1,200; West Hoboken, New Jersey, \$1,200; Mount Vernon, New York, \$1,300; and Butte, Montana, as high as \$1,380. All of these cities varied in population from 30,000 to 50,000.

The salaries of officers were naturally much higher. Chiefs of police in cities of over 500,000 population received from \$3,400 in Baltimore to \$8,000 in Chicago.³ Cleveland, Pittsburgh and Detroit paid \$4,000; Boston, \$4,500; Philadelphia, \$4,600; and New York⁴ and St. Louis, \$5,000. In these cities captains received from \$1,700 to \$3,000; lieutenants from \$1,300 to \$2,250; and sergeants from \$1,144 to \$1,750.

The salaries paid to members of the detective division

² *Ibid.*, San Francisco paid as high as \$1,464.

³ In Chicago the Superintendent of Police acts both as chief administrative and executive officer.

⁴ Chief inspector.

have always been considerably higher than those paid to the uniformed policemen, because the work they do requires a much higher standard of ability. In the largest cities detectives received from \$1,200 to \$2,250, and the great majority of them more than \$1,400, which was the highest amount paid to patrolmen. Detective officers received still larger sums.

Naturally the smaller cities pay officers smaller salaries, just as the smaller cities generally pay lower salaries to patrolmen. Chiefs of police in cities with populations between 30,000 and 50,000 in 1915 rarely received over \$2,000 though there were a few receiving as much as \$3,000.

An investigation conducted by the New York Bureau of Municipal Research during the summer of 1918 revealed that there had been a slight increase in salaries of policemen during the preceding three years. The increases were not large, however, and because of the enormous increase in the cost of living policemen were worse off financially in 1918 than in 1915.

Increases made since 1918 have been far from universal, but there is a growing appreciation of the inadequacy of the past rate of compensation. The New York City budget for 1920 provided the following salaries for police officers: chief inspector, \$7,000; other inspectors from \$4,400 to \$4,800; captains, \$3,500; lieutenants, \$2,800; sergeants, \$2,250; first grade detectives, \$2,800; patrolmen from \$1,450 to \$1,900.⁵ On June 30, 1919, the following sched-

⁵ Budget for 1920, Schedule 1600. The 1921 budget provides for the

ule of salaries went into effect in the Los Angeles police force: chief, \$3,600; detective sergeants, \$1,800 to \$2,040; captains of police, \$2,400 to \$2,700; lieutenants, \$1,800 to \$2,040; sergeants, \$1,500 to \$1,740; patrolmen from \$1,200 to \$1,440.⁶ On November 19, 1919, Congress enacted "that the annual basic salaries of the officers and members of the Metropolitan police of the District of Columbia shall be as follows: major and superintendent, \$4,500; assistant superintendents, \$3,000 each; inspectors, \$2,400 each; police surgeons, \$1,600 each; captains, \$2,400 each; lieutenants, \$2,000 each; sergeants, \$1,800 each; privates of class 3, \$1,660 each; privates of class 2, \$1,560 each; privates of class 1, \$1,460 each."⁷ This represents a material increase over the salary rates for police officers of the District of Columbia in 1915 which were as follows: major and superintendent, \$4,000; assistant superintendents, \$2,500; inspectors, \$1,800; captains, \$1,500; lieutenants, \$1,320; sergeants, \$1,250; privates from \$900 to \$1,200.⁸

Before the war the top salaries of patrolmen in the largest cities were around \$1,300-\$1,400. According to the late Major Pullman, Superintendent of Police of Washington, D. C., cities were in May, 1919, working towards a top salary of \$1,600 to \$1,750.⁹

following schedule of salaries: Chief inspector, \$7,500; other inspectors, \$4,900 to \$5,300; captains, \$4,000; lieutenants, \$3,300; sergeants, \$2,700; first grade detectives, \$3,300; patrolmen, \$1,769 to \$2,280.

⁶ Annual Report Los Angeles Police Department, 1918-1919, p. 17.

⁷ Congressional Record, 66th Cong. 1st Sess. Vol. 58, p. 9326.

⁸ U. S. Census Bureau, *General Statistics of Cities*, Tables 4 and 7.

⁹ Policeman's News, May, 1919, p. 56.

Urgent Demand for Higher Salaries.

Enough has been said to show that police salaries in American cities are notoriously low, so low in fact that the men so much needed in the highly specialized kinds of police work that are coming more and more into recognition refuse to enter the police service. From various cities reports come that it is increasingly difficult to secure recruits and that even men now in service are leaving it for more lucrative employment. It appears that a real crisis is approaching, and that unless cities wake up to the necessity of paying adequate salaries they will find themselves without proper police protection at a time when all kinds of unrest call for an effective police force. It should be said that even the increases in salaries recently made have often been made by the cities only in the face of threats of wholesale withdrawals from their police departments.¹⁰

Unionization of the Police Force.

Closely associated with the problem of insufficient salary is that of the organization of members of the police force in unions, and police strikes. The former is undoubtedly one cause of the latter. If policemen were satisfied with their salaries and conditions of employment they would find less reason for affiliating with labor organizations or for engaging in strikes.

For many years, various organizations for social, benevo-

¹⁰ See editorial entitled, Why Recruits are Few, *Policeman's News*, November, 1919.

lent and mutual benefit have existed in police departments. These organizations have brought the members of the force into more sympathetic relationship with one another and have often improved the *esprit de corps* of police departments. They have also aided in making the conditions of their employment more agreeable and in securing more adequate compensation.

Until recent years, however, these organizations were distinctly unlike the ordinary labor unions in that they never used the strike or the threat of strike as weapons to enforce their demands. They limited themselves to peaceful advocacy of improved conditions, and there was no hostility towards them on the part of police officials or the public, although complaints were now and then made on account of their alleged meddling in political affairs to the detriment of police discipline.

During the last year or two, however, the whole problem has taken on a radically different aspect. Police organizations and unions have assumed the character of the ordinary labor union. Recently several cities of the country have been confronted with a new and alarming danger — the police strike, which, in a few cities, brought with it such a train of disaster as to make the unionizing of the police a matter of serious concern for police authorities and the public.

The extent of this danger may be judged from the fact that on September 3, 1919, the American Federation of Labor had granted charters to thirty-three policemen's

unions.¹¹ According to Samuel Gompers many policemen

¹¹ Congressional Record, 66th Cong., 1st Sess., Vol. 58, p. 7210. Mr. Gompers testifying before the Commissioners of the District of Columbia on September 4, 1919, submitted the following list of police unions affiliated with the American Federation of Labor.

No.	Name	Location	Membership
16668	City policemen's	Oklahoma City, Okla.	23
16711	City policemen's	Knoxville, Tenn.	75
16714	City policemen's	Peoria, Ill.	50
16718	City policemen's	Washington, D. C.	84
16721	City policemen's	Jersey City, N. J.	59
16724	City policemen's	Macon, Ga.	72
16727	City policemen's	Cumberland, Md.	17
16730	City policemen's	Tulsa, Okla.	30
16737	City policemen's	Fort Worth, Tex.	8
16751	City policemen's	East St. Louis, Ill.	92
16754	City policemen's	Norfolk, Va.	62
16784	City policemen's	Pueblo, Colo.	31
16807	City policemen's	Boston, Mass.	975
16813	City policemen's	Warren, Ohio	12
16818	City policemen's	Clarksburg, W. Va.	8
16820	City policemen's	Portland, Ore.	124
16845	City policemen's	St. Paul, Minn.	135
16862	City policemen's	Meridan, Miss.	
16863	City policemen's	Evansville, Ind.	61
16864	City policemen's	Terre Haute, Ind.	64
16869	City policemen's	Moberly, Mo.	7
16874	City policemen's	Los Angeles, Calif.	28
16875	City policemen's	Wheeling, W. Va.	29
16879	City policemen's	Chattanooga, Tenn.	32
16880	City policemen's	Hattiesburg, Miss.	20
16891	City policemen's	Miami, Fla.	7
16897	City policemen's	Superior, Wis.	
16899	City policemen's	Huntington, W. Va.	41
16902	City policemen's	Portsmouth, Va.	42
16903	City policemen's	Richmond, Calif.	16
16916	City policemen's	Key West, Fla.	18
16924	City policemen's	Zanesville, Ohio	20
16941	City policemen's	St. Joseph, Mo.	22

Total Membership (33 unions)2,265

and policemen's organizations had been making appeals to the Federation for charters for many years before the annual convention at Atlantic City in June, 1919, adopted a resolution to issue charters to all bona fide organizations of policemen.

The matter of the affiliation of police unions with labor unions was brought to a head in Washington, D. C., late in August, 1919, when the Commissioners of the District of Columbia adopted the following rules and regulations for the government of the Metropolitan police department :

- 1 — No member of the Metropolitan police department shall join or become a member of any organization of policemen which is affiliated directly or indirectly with any other labor organization; nor shall any member of the Metropolitan police department retain membership in any organization of policemen which is affiliated directly or indirectly with any other labor organization after September 7, 1919.
- 2 — Every member of the Metropolitan police department shall make a statement in writing on a form prepared for the purpose and shall file the same with the commanding officer of the precinct, division or bureau to which he is assigned not later than 12 o'clock midnight, September 7, 1919; such statement to contain a categorical answer to the following inquiry: Are you a member of any organization of policemen which is affiliated directly or indirectly with any other

labor organization?

- 3 — Each and every such statement as filed with the several commanding officers shall at once be sent to the major and superintendent of the Metropolitan police department.
- 4 — Any member of the Metropolitan police department who joins or becomes a member of any organization of policemen which is affiliated directly or indirectly with any other labor organization, or who retains membership in the same after September 7, 1919, or who fails, refuses, or neglects to make and file the written statement hereinbefore required, shall be deemed guilty of a willful non-compliance with the rules and regulations adopted by the Board of Commissioners for the government of the Metropolitan police department, and upon conviction thereof shall be removed from the said Metropolitan police department.¹²

The commissioners decided upon this order because they believed it necessary to insure the complete independence of the police department. They thought, and no one can question the logic of their decision, that none but the constituted agencies of the government should have any authority over the police force. Relative to the fact that the policemen's union of the city was bound by a "no-strike" provision which showed its intention not to use the strike

¹² Congressional Record, 66th Cong., 1st Sess., Vol. 58, p. 7210.

as a weapon for compelling its demands the commission said: "But if it be affiliated with other organizations which do contemplate the use of the strike in an emergency, every member of the police force who is a member of the union would be liable to the charge, however falsely made, of favoritism in the performance of duty in the event of industrial trouble involving the organization with which it is affiliated." The authorities further stated that their decision should not be interpreted to mean that they were opposed to labor organizations or even that they were not willing to meet the representatives of a policemen's organization. "It is only what it purports to be," they continued, "a statement of the decision of the commissioners that the organization of policemen, a body of men sworn to enforce the law impartially under all circumstances, must be an organization of policemen and nothing more; that it must not be connected with any other labor organization."¹³

After considerable discussion, an act relating to the Metropolitan police of the District of Columbia was passed by a large majority at the close of the first session of the Sixty-sixth Congress. This act increased the salaries of the force¹⁴ and forbade the affiliation of the police organizations with outside labor unions. The act contains the following significant provisions:

Par. 9. No member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization,

¹³ Congressional Record, 66th Cong., 1st Sess., Vol. 58, p. 7210.

¹⁴ See *supra.*, p. 309.

which itself, or any subordinate, component, or affiliated organization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the Metropolitan police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

Any member of the Metropolitan police who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$300 or by imprisonment of not more than six months, or by both.¹⁵

The charter granted to the Washington Policemen's Union by the American Federation of Labor was returned.

By far the most serious conflict over the question of police unions occurred in Boston. On September 9, 1919, 1,500 Boston policemen went on strike to force the authorities to recognize their newly formed union and their right to affiliate with the American Federation of Labor. The immediate cause of the strike was the suspension by Police Commissioner Curtis, a state appointee, of nineteen patrolmen who had been found guilty of violating the department rules against unionization. Immediately the city was thrown into disorder. Rioting, looting, and acts of violence were openly perpetrated. Life and property alike were at the mercy of the worst elements of the city. On the first night

¹⁵ Congressional Record, 66th Cong., 1st Sess., Vol. 58, p. 9326.

the provost guard was rushed from the navy yard to put down the disturbance. The day following, the city was placed under martial law and 5,000 soldiers of the state guard patrolled the streets, but that day and the one following saw such lawlessness that the governor called upon the secretary of war for military aid in maintaining order. Numerous persons were wounded and injured in clashes with the military.

During these days of confusion Mr. Gompers appealed to the mayor of the city, the governor of the state, and the Federation's organizer in Boston suggesting that the matter of police unionization be left in status quo until after the Industrial Conference called by the President for October 6. To this proposal the policemen's union agreed and its members offered to return to work. The governor referred the question of the reinstatement of the striking policemen to the police commissioner who, the following day, acting on legal advice of the attorney general of the state that the strikers had forfeited their positions in the police department, announced that the positions of all policemen on strike were vacant. The nineteen men suspended were now discharged. In reply to a further statement by Mr. Gompers to the effect that the police commissioner had acted in an autocratic manner Governor Coolidge said :

Replying to your telegram, I have already refused to remove the Police Commissioner of Boston. I did not appoint him. He can assume no position which the courts would uphold except what the people have by the authority of their law vested in him. He speaks only with their voice. The right

of the police of Boston to affiliate has always been questioned, never granted, and is now prohibited.

The suggestion of President Wilson to Washington does not apply to Boston. There the police have remained on duty. Here the policemen's union left their duty, an action which President Wilson characterized as a crime against civilization.

Your assertion that the Commissioner was wrong cannot justify the wrong of leaving the city unguarded. That furnished the opportunity; the criminal element furnished the action. There is no right to strike against the public safety by anybody, anywhere, anytime.

Since the strike, the Boston police authorities have been successfully engaged in recruiting a new police personnel. The men who struck have been considered deserters to whom the public welfare could no longer safely be entrusted.

The Boston police strike was an object lesson to the people of the entire country. It called attention to what any city might be obliged to endure if its guardians of law and order should go on strike to enforce their demands. That it did much to arouse public hostility against policemen's unions cannot be doubted for from all over the country came words of encouragement for the governor and police commissioner who had refused to be diverted from their line of duty.

The police force is one of the most essential of government. Its members assume the burden of maintaining law and order. They stand between the peaceful citizen in his lawful pursuits and the forces that would endanger both his life and his property. It seems therefore that an alliance of policemen with any one group of society such as labor unions is fundamentally wrong. In times of indus-

trial trouble as well as in other times the public depends upon the police for protection. • However, it is unreasonable to expect policemen affiliated with labor unions whose members may be on strike to enforce the law impartially under such circumstances. • In the words of one of the most farsighted and progressive police chiefs in America, "It would be just as sensible for policemen to join forces with the bankers', producers' or manufacturers' associations as with the American Federation of Labor. Such an affiliation is utterly impossible."¹⁶ Commissioner Enright of New York City has said:

The unionization of a police force is inadvisable from every standpoint. Policemen are sworn officers of the state and are appointed to enforce law and order. The enforcement of law and order is the first and most necessary function of government. Policemen are given a life tenure of office and a pension in order that they may be independent. Furthermore, the police force is a part of the city corporation and a part of the corporation surely cannot strike against the interest of the entire corporation.¹⁷

In commenting editorially upon the Boston police strike, the *Policemen's News* expressed the following views which sane well wishers of policemen will endorse.

The occurrences in Boston during the past month were of the most deplorable character and from the public point of view deserving of unstinted condemnation.

The Boston police were no doubt aiming to better their

¹⁶ August Vollmer, Chief of Police, Berkeley, Calif.

¹⁷ *Policemen's News*, October, 1919, p. 46. See article in this issue entitled, "No Divided Allegiance."

conditions, but were grossly misguided in the proper manner to proceed in order to secure the desired end.

Their experiences will prevent the policemen of other departments throughout the country from making the same unforgivable mistake, and stepping in the same pitfall to the defeat of their own cause.

Now that the public appreciates the important duties and responsibilities of policemen, we sincerely trust it will result in awakening its conscience to the recognition of the necessity of providing the policemen with a living wage.¹⁸

Police Pensions.

A problem closely connected with that of salaries is the pension problem. For many years it has been recognized that because of the inadequacy of the pay of policemen there should be maintained a pension system. In all the more important cities police pension funds¹⁹ of various kinds have been established, but because of lack of adequate information at hand and poor financial management of the funds these systems have only too often failed to provide the benefits to the members of the force which they were designed to secure. At present the pension funds in numerous cities are in anything but a satisfactory financial condition; they are in fact greatly in need of thorough reorganization.

Before indicating what sort of reorganization it might be

¹⁸ October, 1919, p. 28

¹⁹ In 1915, according to the United States Bureau of Census, 134 out of 204 cities of over 30,000 population, maintained some form of retirement and pension system.

advisable to make, it may be desirable to explain briefly the salient features of the police pension systems now in existence. This explanation may be undertaken under four heads: (a) What are the sources of the revenues of police pension funds? (b) What are the objects for which the funds are drawn upon? (c) What amounts are paid policemen on retirement? (d) How and by what authority are pension funds administered?

Sources of Income.

There are two chief sources of income for the police pension funds: contributions of the members of the police force itself, and grants by the local authorities. In the majority of cities which maintain pension funds policemen are obliged to contribute toward their support. This is usually accomplished by withholding a certain per cent. of the policeman's salary for the benefit of the fund. There are a considerable number of cities, however, that require a fixed monthly payment by each member of the force. Those cities that levy a percentage on the policeman's salary require from 1 to 2 per cent. Among the cities that require policemen to contribute 2 per cent. of their salaries are: New York, Baltimore, Buffalo, Newark, Rochester, Syracuse, New Haven, Bridgeport, Yonkers, and Binghamton. Among those which require 1 per cent. are: Detroit, New Orleans, Jersey City, Denver, Providence, Scranton, Spokane, Des Moines, Wilmington, and South Bend. Other cities require the

payment of fixed sums. Thus in Oakland and San Francisco each member of the force is assessed \$2.00 per month for the benefit of the pension fund.²⁰

Other revenues of the pension funds come from a variety of sources, many of them prescribed by law. In 1915 among the more numerous contributions by cities to the pension revenues were: city appropriations, certain percentages of general property tax levies, of excises, and of licenses, fines of policemen, proceeds from the sale of unclaimed property, gifts, proceeds of police balls, athletic contests and other entertainments. Thus the California law applying to all cities authorizes contributions to police pension funds of from 5 to 10 per cent. of liquor licenses; 50 per cent. of dog licenses; 25 to 50 per cent. of licenses to pawnbrokers, second-hand dealers, junk-dealers and billiard hall keepers; 25 per cent. of fines for violation of local ordinances; proceeds from the sale of unclaimed property; all fines for carrying weapons; and rewards to policemen. In the District of Columbia, all police court fines, receipts from dog licenses and the proceeds from sales of unclaimed property, go into the police pension fund. The Illinois law for cities of over 50,000 population requires the following contributions to be made to the police pension funds: 75 per cent. of receipts from dog licenses; 4 per cent. of liquor licenses; all money paid for special details of policemen; all fines imposed on policemen; proceeds from the sale of unclaimed property; 25 per cent. of licenses to pawnbrokers,

²⁰ U. S. Census Bureau, *General Statistics of Cities*, 96-103.

second-hand dealers, and junk stores; all fines for carrying concealed weapons; one-half of costs for violations of city ordinances; all rewards to policemen unless excepted by chief officer of police; and 3 per cent. of all other licenses. The limit of \$50,000 is set for such cities. The cities of New York State reported in 1915 from 1½ to 10 per cent. of excise receipts devoted to police pension funds. In New York City the other sources were: one-half of policemen's salaries while sick, all of their salaries while absent except on account of sickness, policemen's fines, pistol permit fees, steam boiler permit fees, 10 per cent. of rewards, proceeds from the sale of condemned police property, unclaimed cash, and an appropriation by the city.

Benefits.

The second question concerns the benefits provided by the pension funds. These are in the main, old age or service and disability benefits. The former provide benefits to policemen who have served a certain number of years. This may or may not be accompanied by a provision requiring recipients to have reached a certain age. The latter provide benefits to those members of the force who are disabled in the performance of duty.

Of the cities which grant pensions to policemen after a certain number of years of service the great majority require from twenty to twenty-five years service. This is frequently, though by no means always, accompanied by the requirement that a certain age has been reached. If so the

age prescribed is generally from fifty to sixty years. In the absence of this provision it often happens that men who have served the required number of years but who are by no means incapacitated for police work on account of age are nevertheless placed upon the pension rolls. Thus a man who enters the force at the age of twenty-one and serves twenty years may be pensioned at forty-one just the time when he might reasonably be expected to be at his highest efficiency as an officer. Among the cities that grant pensions after a certain number of years faithful service, regardless of the age of the policemen, are Wilmington, Delaware; Detroit, Chicago, and Rochester, New York.

In New York City any member of the police force, fifty-five years of age, who has served for twenty years or upwards, may on his own application, and by the order of the police commissioner be relieved of duty and placed on the police pension roll to receive an annual pension of one-half of his salary during his lifetime. Moreover, on a certificate of the police surgeons showing that a member of whatever age who has served twenty years is permanently disabled so as to be unfit for duty, such member must on the order of the police commissioner be likewise placed on the pension rolls.²¹

Practically all cities maintaining pension systems, pension policemen disabled "in line of duty." This is a fundamental feature of a pension system. Unless a policeman is assured

²¹ N. Y. City Charter. Sec. 355.

that he will be taken care of if disabled, he will be likely to hesitate to run the risks which good police service demands. He must be assured also that some provision will be made for any dependents he may leave if he should be killed in the performance of duty. Death benefits are therefore a feature of the great majority of pension systems throughout the country.

Allowances.

What pensions are allowed policemen on retirement? In the matter of disability pensions the almost universal rule is one-half of the salary at the date of retirement. In the case of service pensions the same amount is commonly allowed. Los Angeles, Denver, Baltimore, Boston, Newark, Rochester and Pittsburgh, are among the prominent cities that follow this method. A number of important cities may be cited, however, which vary from this rule. Chicago, for example, provides that the pension for a patrolman shall not be under \$600, for a sergeant not under \$750, for an officer not over \$900. Boston as stated above gives one-half salary to men over sixty who have served twenty-five years, but also provides that any one who retires at the end of twenty years shall receive not over one-third his salary at retirement. Detroit gives definite amounts as follows: Detective superintendent, \$75; chief of detectives, \$70; deputy superintendent, \$65; captains, \$60; lieutenants, \$55; sergeants, \$50; others receiving annually \$1,000 or more, \$50;

all others, if incapacitated for regular active duty, \$45 per month.²² Indianapolis provides that any man retiring after twenty but less than twenty-five years of service shall receive \$30 per month, and any man retiring after twenty-five years of service shall receive \$50 per month. The City of New York provides that if after ten years of service a man is disabled in any manner he receives a pension which is one-twentieth of half the man's pay at retirement multiplied by the number of years service.

It is impossible to generalize as to the sums provided by different pension funds for death benefits. A few illustrations taken at random will suffice to show some of the variations found. Los Angeles provides that if an active member of the police force dies from the result of natural causes after ten years of service, \$1,000 is to be paid to his family; if the death results from the performance of duty a pension of one-third of his salary is granted. San Francisco pays the full amount contributed by the deceased to the pension fund. New Orleans provides that there be paid to dependents not over \$150; Boston and New York City not over \$300; and Rochester not over \$500. The police commissioner of Baltimore has power to relieve and compensate the families of men and officers killed in the discharge of their duty provided that the allowance shall not exceed one year's salary.

²² U. S. Census Bureau, *General Statistics of Cities*, 1915, pp. 96-97.

The Administration of Pension Funds.

How and by what authority are pension funds administered? The management of police pension funds is sometimes vested in the head of the police department or in other city officers; sometimes in a number of city officials and police officers; and sometimes in police officers alone. The first type of management is found in New York and Rochester where the head of the police department has complete control over the fund and determines whether an application for a pension shall be granted, subject of course to the provisions of the charter.²³ San Francisco, Baltimore, and Denver place the control in the hands of police commissioners. Los Angeles vests it in the police commissioner, the commissioner of public health and the president of the city council. Buffalo leaves it in the hands of the city commission.²⁴

The second type of management is by a combination of police officials and other city officials. Pittsburgh furnishes an example of this type. There, the mayor, the controller, the director of the department of public safety, and the superintendent of police are *ex officiis* members of the pension board; the remaining six members consist of one inspector, one captain, one lieutenant, a member of the detective bureau and two patrolmen. These six are elected at an annual meeting of the members of the police pension

²³ Charter Rochester, Sec. 335, (2) a; Charter of New York City, Sec. 351.

²⁴ City Charters.

fund association. The cities of Indiana, Chicago and New Orleans have similar types of organization for the management of their funds.

Under the third type of management the members of the police force themselves administer their pension fund. Philadelphia and St. Louis illustrate this practice. In the former city exception is made to the rule that only members of the force may belong to the pension board by admitting the director of the department of public safety as an *ex-officio* member. The organization consists of officers, directors and delegates. Five officers and sixteen delegates constitute the board of directors which passes on applications for pensions and in general has the administration of the fund. The officers and directors are elected annually by the members of the pension fund districts (precincts).

The St. Louis Police Relief Association places the necessary administrative and executive powers in the hands of an executive council composed of one captain elected by the captains, one lieutenant elected by lieutenants, and two sergeants and one patrolman from each district elected by the members. All hold office for one year.

The Need of Applying Actuarial Principles.

It was stated above that many pension systems at present are in an unsound financial condition and greatly in need of thorough reorganization. Many of them have been established without sufficient knowledge of the actuarial principles that must be rigidly adhered to if beneficiaries are not

to be sorely disappointed or the burdens of taxpayers are not to be unduly increased. Such improper funding follows the course which brought many of the older fraternal orders to bankruptcy. The managers of such funds collect assessments from their members and pay benefits without estimating carefully what the liabilities will be in the future. During the early years the income seems large and the claims are few. With the passing of years, however, the claims become more numerous and the sums accumulated, often falsely called "reserves," are depleted. The result is that the city must either increase its contribution to the fund beyond that deemed wise by taxpayers, or the members of the force who have placed their dependence on the pensions must suffer serious hardship. Neither of these results can be contemplated without serious misgivings. Hence those who have control of pension systems ought to base their funds on principles that have been proved sound. This demands the services of a competent actuary to make the necessary calculations.

The Cash Disbursements Plan vs. the Reserve Plan.

There are two methods of meeting the cost of a pension system: the "cash disbursement" plan which requires only that the payments be currently provided as they are demanded; and the "reserve" plan, under which the amounts that must be set aside during the active service of employees to provide for their pensions when they retire, are accumulated at interest and form a reserve fund out of which the

pension benefits are paid as they become due. The chief distinction between the two plans is that in the former the interest factor is disregarded.²⁵ In either case an actuarial

²⁵ "The Actuarial Reserve Versus the Assessment System.—Description of the Two.

"The gravest problem of public finance involved in the establishment of a retirement system is whether it shall be operated on the actuarial reserve basis or on the assessment or cash disbursement basis. Under the pure assessment or cash disbursement plan, no fund is established, and all benefits are paid as they fall due from the current revenues of the government. If contributions are collected from the employees they are simply included as general revenues, and are immediately paid out. Under the actuarial reserve plan a fund is established, and at regular intervals, generally on pay days, is turned over to one fund a sum which, broadly speaking, will be sufficient with the compound interest it will earn to pay for all the benefits which will ever fall due as the result of the service rendered during the period covered by the payment. All the money coming in on account of the retirement system is invested at interest, and all benefits are paid from the fund thus created.

"Three distinct differences between the two systems should be clearly recognized.

(1) Under the actuarial reserve plan the taxpayers who receive the service pay all the obligations incurred by the government in respect to that service; whereas under the assessment or cash disbursement plan the taxpayers at the time the service is rendered pay the immediate wage and leave for some future taxpayers the payment of the prospective benefits which have accrued in respect to that service. Future taxpayers under the assessment or cash disbursement plan pay the immediate wage for the services rendered them, and the benefits which mature in their day in respect to services rendered a prior generation. Under a cash disbursement system the generation establishing the system escapes with little or no payment, and passes the burden to the future, whereas under the actuarial reserve system each generation pays its share.

(2) Under the actuarial reserve system, the money available for payments has come in part from taxes and in part from the interest earned by this money in the time between its collection and its disbursement, whereas under the assessment or cash disbursement plan, all the money comes directly from the taxes and no interest is earned,

computation should be made either to determine the future encumbrances on the city's taxable property, for the cash disbursement plan operates as an encumbrance on the city's future revenues, or to enable those who administer the fund

because practically no time elapses between the collection of the money and its disbursement.

(3) Under the actuarial reserve plan the amount required from the taxpayers annually for the retirement system bears practically a fixed relationship to the sum raised for the immediate wage of those in the service, whereas under the assessment or cash disbursement plan the proportion between the amount required for retirement benefits and the amount required for wages is for several generations a constantly increasing proportion.

"The founders of the system must clearly distinguish between a genuine actuarial reserve, and a mere fund established on guess work. It takes more than a fund to make an actuarial reserve. The actuarial fund is so arranged that the payments will accumulate a reserve, which will be sufficient to pay all benefits on retirement. The problem of fixing the amount of such payment can only be solved by a properly qualified actuary. Almost innumerable precedents of mere retirement funds can be found, which have become insolvent through attempting to give benefits for less than benefits cost, but they should not be confused with genuine actuarial reserve systems, which are more recent developments in retirement legislation and are scientifically planned.

"The Merits of the Two Contrasted. The merits of the assessment system must be considered: (1) That it is simple, and (2) that it is safe; and against them must be set its defects:

1. It is unbusinesslike and conducive to extravagance;
2. It is liable to popular misunderstanding and attack;
3. It is inequitable as between successive generations of taxpayers;
4. It is not adaptable.

"In contrast with these must be considered the merits of the actuarial reserve system;

1. It is equitable as between successive generations of taxpayers;
2. It is businesslike;
3. It is comparatively safe from popular misunderstanding and attack;
4. It is adaptable;

to set aside the proper amounts as reserves for investment under the reserve plan.

The Fundamental Principles of Pension Systems.

Special commissions in New York and New Jersey have thoroughly studied the pension problem. The following principles may be deduced from the plans advanced. Not all sound pension systems follow all of these principles, some of which are still subjects of controversy.

- 1 — The basis of retirement should be incapacity to continue in the service. Members should be required to retire at an age, say 60, when the average employee may be considered too old to render efficient police service. Those who are able to continue beyond this age should be allowed to remain in the service upon satisfactory physical examination. Those who are superannuated before reaching the age of 60 may be retired under the disability provisions.
- 2 — Amount of pension should depend on length of service and average compensation, and should be based on the average compensation received during the entire period of service. A percentage of such compensation, say 1.5 per cent. for each year of service would determine the amount. The increase in pension in

yet unless properly safeguarded in the legislation establishing it, possibly expensive and to a certain extent dangerous." Lewis Meriam, *Principles Governing the Retirement of Public Employees*, pp. 60-62. (Publication of the Institute for Government Research.)

proportion to length of service brings the pension into logical and equitable relationship to the value of the employee's services, and serves as an inducement to remain in the service as long as possible, even beyond the retirement age.

- 3 — Disability should be dealt with according to extent and nature. While the elimination from the service of those unable to continue because of disability is as important as the elimination of the superannuated, it is inequitable to pension everybody so disabled without regard to cause of the disability and its extent. A separate treatment of the following groups is suggested:
 - a — Disabled in the performance of duty
 - b — Disabled from ordinary causes to an extent interfering with the employee's chances for other employment
 - c — Disabled from ordinary causes to an extent not interfering with the employee's chances for other employment
- 4 — Those disabled in performance of duty should be liberally treated. Provisions for disability in performance of duty should amount to half final salary and be available at any time of the employee's service.
- 5 — Total disability from ordinary causes should entitle to pension. Disability, incurred not in performance of duty and to an extent incapacitating for other

employment should entitle an employee to a pension. The amount of such pension should have a similar basis to that for superannuation but at a lower percentage, say 1.25 per cent. of the average salary for each year's service, and with a definite subsistence minimum per annum. This would tend to insure bona fide retirements.

- 6 — Partial disability should entitle to return of contributions. Disability not incurred in performance of duty and not incapacitating an employee from obtaining other employment should not give title to a pension. Transfer to other kinds of work in the city's service should be facilitated. In default of a transfer, the contributions of the employee should be returned with interest.
- 7 — Disability pensioners should undergo periodical physical examinations. Pensioners retired on the ground of disability should be physically examined every year. If a pensioner is found to have regained his health, the pension should be discontinued and return to active duty permitted.
- 8 — Pensions should be given to dependents of those dying in the performance of duty only, and should be granted on the same basis, at a somewhat lower rate, however, than those granted to employees injured in the performance of duty. These pensions should be mandatory and be paid to the widow, de-

pendent parents or other relative, depending on the deceased employee's earnings.

- 9 — Dependents of those dying from accident should be entitled to the refund of contributions. Pensions to dependents of those dying from ordinary causes should not be granted. The return of the employee's contributions with interest should be sufficient for the family to readjust itself to new circumstances. If found inadequate, contributions may be added by the city to those of the employee.
- 10 — Dependents of deceased pensioners should not be pensioned. The contributions of pensions to relatives of deceased pensioned employees does not appear equitable, and the cost of such pensions is excessive.

The propriety and equity of having either the city or the employees bear the entire burden of a pension plan has never been successfully demonstrated. Authorities on the subject are divided. It is maintained that "straight," or non-contributory plans are costly to the taxpayer and demoralizing to the service. Schemes entirely supported by contributions of employees, or the so-called "compulsory savings" schemes, necessitate too high a tax on the employees.

The development of most foreign pension schemes points toward the advisability and expedience of the share-and-share-alike method of paying for pensions. It is suggested, therefore, that the city and the employees divide equally the

pension burden. The employee's contributions should be returned with interest in case of separation from service without pension, while the employer's contributions should remain in the fund.²⁶

In calculating the benefits and contributions for a re-organized pension scheme, the experience of the old funds will often not provide a reliable basis, because under changed provisions the rates of withdrawals, retirement, etc., will differ materially from those under the old scheme. The original calculations, therefore, should be made on the basis of the experience of similar funds and will be subject to correction at a later date according to actual experience under the new provisions.

It is important therefore that a specially designed record system be established to accumulate statistics for the actuarial appraisal of the funds in the future. Such appraisal should take place at the end of, say every five years. If there is found to be any surplus or deficiency, the accounts will be balanced by a modification of the contributions of the employees and the city, and the modified contributions will continue in force for a period of five years — until the next calculation is made — when it may again be modified.

²⁶ See Paul Studensky, *The Pension Problem and the Philosophy of Contributions*, and *A Sound Policy for Municipal Pensions*, a Report of the Bureau of State Research, New Jersey State Chamber of Commerce, Newark, N. J.; also New York City Bureau of Municipal Research, *Survey of Rochester, New York*, pp. 221-244.

The Surgical Bureau.

In this connection a word should be said relative to the medical or surgical division of the police department.

In practically all police departments there is a surgical division composed of one or more physicians who have general supervision of the health and physical condition of the force. Frequently such division has supervision over the men in the fire department also.

The work of a policeman is such that he is constantly in danger of sickness and injury. This fact accounts for the theory that he should at all times be provided by his employer with medical and surgical attention. Moreover, a sick or injured policeman can do little in the way of efficient police service. The functions of the division generally include:

- 1 — The examination of applicants for appointment
- 2 — Giving medical and surgical aid to policemen on request
- 3 — Visiting or receiving visits from members of the force who report sick and ask to be excused from duty
- 4 — Ordering the return to duty of members on leave as sick or disabled when their condition warrants it
- 5 — Reporting to the head of the department when a member of the force becomes incapacitated for duty for any reason
- 6 — Recommending the retirement of members of the force when incapacitated or superannuated
- 7 — Making periodical physical examinations of all members

of the force so as to keep them in fit physical condition

8 — Inspecting the sanitary condition of station houses

9 — Making regular reports to the head of the department respecting all the activities of the division

It is evident that some of these duties are of a disciplinary character. Hence in order that the surgical division may perform them in the interests of the police department as a whole it would seem to be advisable that the rules of the department forbid members of the surgical division to have private professional relations with members of the force. This should include the policeman's family as well as the policeman himself. Obviously, it is not conducive to good discipline to allow the surgeon who has power to excuse the policeman from duty to have members of the policeman's family as private patients. Yet to allow such relationship is a common practice.

As a means of preserving the health and efficiency of the members of the force, it is highly desirable that a thorough physical examination be given each man at least once every year by the surgical division. Such examinations will bring to light physical defects which, if given immediate attention, may be remedied but which, if neglected, may cause early retirement and hence the loss of valuable and experienced men.

The surgical division should maintain complete health records of all the men on the force from the time of their

appointment. It should be possible for the surgeons at any time to obtain from the card record of any member a complete statement relative to all the illnesses contracted by him during his service, their duration, and the treatment given in each case. A monthly report filed with the head of the department should give the name of each member reporting ill, the date, diagnosis, duration of present leave and the total number of days off duty because of sickness during the current year. It should report also the facts relative to visits to the homes of policemen, their visits to the surgeon's office and the hospital service received by members of the force.

In order further to protect the health of the force some cities have instituted the practice of requiring police surgeons to lecture to policemen on hygiene, first aid and other health matters. This has proved of great value.

Equipment.

It is customary in most cities to require policemen to defray the entire expense of their uniforms and equipment. Moreover a common practice is to require them to pay for the uniform and equipment at one time. No provision is made for distributing the expense over a number of months. With the present high cost of uniforms and the generally inadequate salaries paid to policemen this seems unjust. It is highly important that policemen always present a neat and military appearance. When the city provides the uniforms it is possible to enforce rigidly the standards set by the department. This is not always so when the men

must furnish the uniforms themselves. It is therefore desirable that cities supply policemen with uniforms and equipment and then rigidly enforce a high standard of neatness. If the city is financially unable to defray such expenses it should at least pay the original cost and collect the amount from policemen by deducting certain amounts from their pay checks over a period of time.

Whether the uniforms are purchased by the city or not, there is certainly no reason for not supplying policemen with their revolvers. These should be of standard make and all of a uniform caliber. This rule should be rigidly enforced.

APPENDIX

POLICE DEPARTMENT

CITY OF NEW YORK

RICHARD E. ENRIGHT, COMMISSIONER

REGULATIONS FOR STREET TRAFFIC

Corrected to December 11, 1919

Copies may be obtained at any Police Station

DEFINITIONS

(a) *The term "street" shall apply to that part of a public highway intended for vehicles.*

(b) *The term "one-way traffic street" shall apply to a street when and where vehicular traffic is restricted to one direction.*

(c) *The term "curb" shall apply to the boundaries of a street.*

(d) *The term "horse" shall apply to any draft animal or beast of burden.*

(e) *The term "vehicle" shall apply to a horse, and to any conveyance, except a baby carriage.*

(f) *The term "street car" shall apply to any conveyance confined to tracks.*

(g) *The term "driver" shall apply to the rider, driver or leader of a horse, to a person who pushes, draws, propels, operates, or who is in charge of a vehicle.*

(h) *The term "parked" shall apply to a waiting vehicle and to waiting vehicles drawn up alongside of one another not parallel to the curb.*

RESPECTIVE DUTIES OF DRIVERS AND PEDESTRIANS

(a) Streets are primarily intended for vehicles, but drivers must exercise all possible care not to injure pedestrians.

(b) Pedestrians should:— 1st, Avoid interference with vehicular traffic and to this end not step from the sidewalk without first looking to see what is approaching;— 2d, Cross the street at a right angle, preferably at a crosswalk and, where a traffic policeman is stationed, wait for his signal;— 3rd, Stand on the sidewalk or close to the track when waiting for a car;— 4th, Face the front of the car when alighting and observe the traffic on the right before moving to the sidewalk, and if, passing behind the car observe the traffic in both directions.

(c) Pedestrians should keep to the right and not stop so as to obstruct a sidewalk or crosswalk or an entrance to a building.

(d) Pedestrians on streets with narrow sidewalks should use the sidewalk on the right.

The following regulations for vehicles *shall be observed by the drivers thereof*, who shall also *comply* at all times with any direction by voice, hand or whistle from any member of the Police Force as to starting, stopping, slowing, approaching or departing from any place, the manner of taking up or setting down passengers, and the loading or unloading of anything.

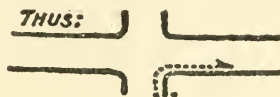
Police Officers may temporarily divert traffic to avoid congestion.

ARTICLE I. PASSING, TURNING, KEEPING TO THE RIGHT,
BACKING AND FOLLOWING

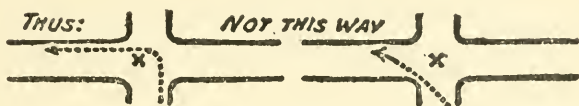
SECTION 1. A vehicle meeting another shall pass to the right.

SEC. 2. A vehicle overtaking another shall pass to the left and not pull over to the right until entirely clear of it; except in passing a street car when it shall keep to the right if distance between car and curb permits.

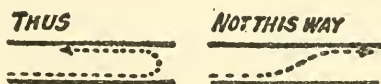
SEC. 3. A vehicle turning into a street to the right shall turn the corner as near the right-hand curb as practicable.



SEC. 4. A vehicle turning into a street to the left shall pass around the point of intersection of the two streets.



SEC. 5. A vehicle turning from one side to the other of a street shall do so



SEC. 6. A vehicle shall keep as near as practicable to the right-hand curb so as to leave the center of the street clear for overtaking traffic — *the slower the speed the nearer the curb.*

SEC. 7. A vehicle on a street divided longitudinally by a parkway, walk, sunkenway, viaduct, isle of safety, or cab stand, shall keep to the right of such division.

SEC. 8. A vehicle passing around a circle shall keep to the right from entrance to exit.

SEC. 9. A vehicle shall not back to make a turn if it obstructs traffic but shall go around the block or to a street wide and clear enough for the purpose.

SEC. 10. A vehicle shall not follow another too closely for safety.

ARTICLE II. STOPPING, STANDING, WAITING AND PARKING

SECTION 1. A vehicle shall not stop with its left side to the curb except on a "one-way traffic" street.

SEC. 2. A vehicle waiting at the curb shall promptly give way to a vehicle arriving to take up or set down passengers.

SEC. 3. A vehicle shall not be left in such position as to prevent another from moving up parallel and close to the curb in front of an entrance to a building, nor so as to prevent another already stopped near the curb from moving away, nor within ten feet of a fire hydrant.

SEC. 4. A vehicle shall not be parked or otherwise stopped so as to prevent the free passage of other vehicles in both directions at the same time or in one direction in a "one-way traffic" street.

SEC. 5. A vehicle, unless parked, shall not stand backed up at any angle to a curb, except while actually loading or unloading, and if horse-drawn and with four wheels the horses shall stand parallel with the curb, faced in the direction of traffic.

SEC. 6. A vehicle, unless a street car, shall not stop in any street except near the curb and then so as not to obstruct a crossing or cross-walk except to allow another vehicle or pedestrian to cross its path.

SEC. 7. A street car shall not stop within an intersection of streets nor within five feet of a street car ahead nor so as to obstruct a cross-walk.

ARTICLE III. OVERTAKING STREET CARS

A vehicle in overtaking or meeting a street passenger car which has been stopped for the purpose of receiving or discharging a passenger or passengers, shall not pass or approach within eight (8) feet of such car so long as such car is so stopped.

ARTICLE IV. RIGHT OF WAY

SECTION 1. When in the performance of duty, the following vehicles shall have the right of way: U. S. Mail, Police, Fire, Fire Patrol, Bureau of Buildings, Emergency Repair of Public Service Corporations, Ambulances; also the Military.

SEC. 2. Conditions warranting, North and South traffic shall have the right of way.

SEC. 3. A vehicle in front of a street car shall immediately turn out upon signal.

SEC. 4. A vehicle shall not so occupy any street as to obstruct traffic.

SEC. 5. A vehicle, on the approach of fire apparatus, shall immediately draw parallel and near to the curb and stop.

SEC. 6. A street car, on the approach of fire apparatus, shall stop so as not to interfere with its passage.

ARTICLE V. SIGNALS

SECTION 1. A vehicle's driver when slowing or stopping shall give timely signal by hand or whip, or in some other unmistakable manner.

SEC. 2. A vehicle's driver when about to turn either from a stand-still or while in motion, shall give timely signal by hand or whip or in some other unmistakable manner to indicate the direction of the turn. *This is especially important when turning to the left.*

SEC. 3. A vehicle before backing shall give ample warning.

SEC. 4. Police whistle signals shall indicate:

One blast — N. and S. traffic stops and E. and W. proceeds.

Two blasts — E. and W. traffic stops and N. and S. proceeds.

Three or more blasts — The approach of fire apparatus or other danger.

SEC. 5. A vehicle shall be equipped with lights and sound signals as prescribed by law.

SEC. 6. Sound signals are prohibited except for necessary warning.

ARTICLE VI. SPEED

SECTION 1. A vehicle shall not exceed the rate of speed established by law and shall proceed with great caution, especially in making turns in crossing other streets and crosswalks, and in passing other vehicles.

SEC. 2. A vehicle shall not cross a sidewalk to or from an alley, lot or building faster than a horse walks.

ARTICLE VII. RESTRICTION IN REGARD TO VEHICLES

SECTION 1. The use of a vehicle is prohibited when it is so constructed, enclosed, equipped or loaded as to be dangerous, retard traffic, or prevent the driver from having a view sufficient for safety.

SEC. 2. The use of a vehicle is prohibited when it is so loaded with iron or other materials as to create loud noises while in transit.

SEC. 3. A vehicle when loaded with any material extending beyond its rear shall be provided with a red flag by day and a red light at night on the extreme rear end of such load.

SEC. 4. No one less than sixteen years of age shall drive a vehicle intended for commercial purposes.

SEC. 5. No one shall ride upon the rear of a vehicle without the driver's consent nor with any part of his body protruding.

SEC. 6. A vehicle unless confined to tracks shall not tow more than one other vehicle and the connection shall be not longer than sixteen feet.

SEC. 7. Coasting is prohibited when dangerous.

SEC. 8. The use of a motor muffler cut-out is prohibited.

SEC. 9. Dense smoke from motors is prohibited.

ARTICLE VIII. CONTROL, TREATMENT AND CONDITION
OF HORSES

SECTION 1. A horse shall not be unbridled, nor left untended in a street or unenclosed space without being securely fastened, unless harnessed to a vehicle with wheels so secured as to prevent its being dragged faster than a walk.

SEC. 2. A driver shall continuously hold the reins in his hands while riding, driving, or leading a horse.

SEC. 3. No one shall over-load, over-drive, over-ride, ill-treat or unnecessarily whip any horse.

SEC. 4. No one shall crack or so use a whip as to excite any horse other than that which he is using, or so as to annoy, interfere with or endanger any person.

SEC. 5. No one shall use a horse unless it is fit for its work, free from lameness or sores likely to cause pain, and from any vice or disease likely to cause accident, injury or infection.

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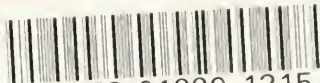
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